THE

REGULATIONS AND LAWS

ENACTED BY THE

GOVERNOR GENERAL IN COUNCIL,

FOR THE

CIVIL GOVERNMENT

OF

THE WHOLE OF THE TERRITORIES UNDER THE PRESIDENCY

OF

FORT WILLIAM IN BENGAL.

VOLUME I.

RE-PRINTED FROM THE GOVERNMENT COPY,

WITH NUMEROUS EXPLANATORY NOTES.

BY HENRY WHITE.



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1817.

TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1804.

REGULATIONS.

I.

A REGULATION *for the better management of the invalid jagheerdar establishments and of the invalid pension establishment. Passed on the 23d of February* 1804.

II.

A REGULATION *for altering the periods of the half yearly jail deliveries in the divisions of Calcutta, Moorshedabad, Patna, and Benares; and for providing a quarterly jail delivery in the zillahs of the Twenty-four Purgunnahs, Dacca Jelalpore, and Moorshedabad. Passed on the 23d of February* 1804.

III.

A REGULATION *for providing against resistance to the processes of the zillah criminal courts and police officers; as well as for compelling the appearance of persons charged with acts of a criminal nature, who may abscond, or otherwise evade the process issued against them; for rendering prosecutions instituted for the recovery of losses sustained by theft and robbery, cognizable in the courts of civil judicature, and for ascertaining the responsibility in such cases of tehseeldars of places held khaum; for amending certain parts of Regulation VI,* 1803; *for preventing the offence of dhurna; and for preventing the tribe of rajekoomars killing or causing the death of their female children; in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company. Passed on the 8th of March* 1804.

IV.

A REGULATION *for the administration of justice in criminal cases in the zillah of Cuttack. Passed on the 3d May* 1804.

V.

A REGULATION *to provide for the appointment and removal of the native officers of government in the judicial, revenue, and commercial departments; and in the departments of salt, opium, and customs; also to make further provision for administering the oath prescribed by the statute* 33, *Geo. III, Cap.* 52. *Passed on the 10th of August* 1804.

VI.

A REGULATION *for rescinding Regulation XXXIX,* 1803; *for establishing rules for levying a duty on the importation and exportation of salt in the provinces ceded to the Honorable Company by the Nawaub Vizier, in the conquered provinces in the Doab and on the right bank of the Jumna and in the province of Benares; for reducing the*

rate

rate of duty established by Clause VI, Section IV, Regulation VI, 1801, *on the importation of Salumba and Balumba salt into the province of Benares; and for withdrawing the prohibition contained in Section VI, of that Regulation, on the manufacture of salt within the province of Benares. Passed on the 25th of August* 1804.

VII.

A REGULATION *for determining the rates of duty to be levied, under Sections IV, and VII, Regulation VI,* 1801, *on the importation and exportation of salt in the provinces ceded to the Honorable Company by the Nawaub Vizier, and in the conquered provinces situated within the Dooab and on the right bank of the river Jumna. Passed on the* 15*th October* 1804.

VIII.

A REGULATION *for transferring the zillahs of Allahabad and Gorruckpore from the division of the provincial court of appeal and the court of circuit for the division of the provinces ceded to the Honorable the English East India Company by the Nawaub Vizier; and for annexing those zillahs to the division of the provincial court of appeal and the court of circuit for the division of Benares. Passed on the* 27*th of November* 1804.

IX.

A REGULATION *for altering the denomination of the court of circuit and the provincial court of appeal for the division of the ceded provinces; for the administration of justice, in criminal cases, in the conquered provinces in the Dooab, and on the right bank of the river Jumna, and in the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah. Passed on the* 14*th December* 1804.

X.

A REGULATION *for declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State, by the sentence of courts martial. Passed on the* 14*th December* 1804.

XI.

A REGULATION *for rescinding Regulation XXXVIII,* 1803, *and for providing rules for the collection of the government customs, in the provinces ceded to the Honorable the English East India Company by the Nawaub Vizier; and in the conquered provinces, situated within the Dooab and on the right bank of the river Jumna, including the territory in Bundlecund, ceded to the Honorable the English East India Company by the Peishwah. Passed on the* 14*th December* 1804.

TITELS OF THE RGULATIONS

PASSED IN THE YEAR

1805.

REGULATIONS.

I.

A REGULATION *for empowering the court of Sudder Dewanny Adawlut to hear and determine appeals from the decisions of the courts of civil justice, established under the authority of the British government, at Chandernagore and Chinsurah. Passed on the* 14*th February*, 1805.

II.

A REGULATION *to explain the existing limitations of time for the cognizance of suits in the civil courts of justice; to provide further limitations with respect to certain suits, regular and summary; and to make other provisions relative to the admission and trial of original suits, and of appeals. Passed on the* 18*th February*, 1805.

III.

A REGULATION *to make further provision for the exemplary punishment of robbery by open violence. Passed on the* 28*th March*, 1805.

IV.

A REGULATION *for extending to the province of Benares, Regulation* XXXI, 1793, *entitled* "A Regulation for re-enacting with modifications and amend- "ments the rules passed on the 23d of July 1787, and subsequent dates, for "the conduct of the commercial residents and agents, and all persons employ- "ed concerned in the provision of the Company's investment;" *and also for exempting from duty all goods and articles provided in the province of Benares, on account of the investment of the Honorable East India Company. Passed on the* 25*th April*, 1805.

V.

A REGULATION *for forming the settlement of the land revenue of the provinces ceded to the Honorable the English East India Company by the Nawaub Vizier, for the years* 1213, 1214, *and* 1215, *of the Fusly era. Passed on the* 22*d of April*, 1805.

VI.

A REGULATION *for abolishing the duties levied by government on goods and other articles, sold in the bazars and gunges, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company; and in the conquered provinces situated within the Dooab and on the right bank of the river Jumna; including the territory in Bundlecund, ceded to the Honorable the English East India Company by the Peishwah; and for establishing duties on certain articles im-*

ported

ported into the cities and principal towns, situated within the provinces and territory aforesaid, in lieu of the duties above mentioned. Passed on the 27th of June, 1805.

VII.

A REGULATION *for empowering the Governor General in Council, to grant a temporary exemption to covenanted civil servants of the Company, holding certain offices, from the obligations of that part of the oath prescribed to be taken, by certain descriptions of public officers, which prohibits their being concerned in commercial transactions. Passed on the 11th of July,* 1805.

VIII.

A REGULATION *for extending to the conquered provinces, situated within the Dooab and on the right bank of the river Jumna; and to the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah; such of the Laws and Regulations, established for the internal government of the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, as have not been already extended to those territories, and for revising and amending certain parts of the said Laws and Regulations. Passed on the 11th of July,* 1805.

IX.

A REGULATION *for enacting into a Regulation certain articles of a proclamation, to be issued in the conquered provinces, situated within the Dooab and on the right bank of the river Jumna; and in the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah. Passed on the 11th of July,* 1805.

X.

A REGULATION *for amending the constitution of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, as far as relates to the appointment of the chief judge of those courts. Passed on the 25th July,* 1805.

XI.

A REGULATION *for extending to the conquered provinces, situated within the Dooab and on the right bank of the river Jumna; and to the territories ceded to the Honorable the English East India Company in Bundlecund by the Peishwah; Regulation XLV,* 1803, *entitled,* A Regulation for the reform of the gold, silver, and copper coin, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company; *also for providing for the appointment of the native officers of government, employed in the mint, established at Furruckabad, under Regulation* XLV, 1803; *and for extending to such native officers such parts of Regulation V,* 1804, *as provide for the appointment and removal of the native officers of government in certain departments. Passed on the 15th August,* 1805.

XII.

A REGULATION *for the settlement and collection of the public revenue in the zillah of Cuttack, including the purgunnahs of Puttespore, Kummardichour, and Bograe, at present included in the zillah of Midnapore. Passed on the 5th of September,* 1805.

XIII.

A REGULATION *for the maintenance of the peace, and for the support and administration of the police in the zillah of Cuttack, and for amending certain provisions contained in Regulation* IV, 1804. *Passed on the 5th of September* 1805.

XIV.

XIV.

A REGULATION *for the administration of justice in civil cases in the zillah of Cuttack.* *Passed on the 5th of September,* 1805.

XV.

A REGULATION *for the appointment of the Mahomedan and Hindoo law officers of the zillah and city courts, to be commissioners for the trial of referred causes, to the amount, or value of one hundred sicca rupees; and to make further provision for the appointment of head native commissioners in the several zillahs and cities. Passed on the 12th of September,* 1805.

XVI.

A REGULATION *for extending the jurisdiction of the court of circuit for the division of Calcutta, and of the court of Nizamut Adawlut, over the settlements of Chandernagore and Chinsurah, in certain cases; and for defining the powers and duties of the superintendant of Chandernagore and commissioner of Chinsurah, in his capacity of magistrate for those settlements. Passed on the 19th September,* 1805.

XVII.

A REGULATION *for modifying the rules contained in Regulation VIII,* 1793, *respecting the management of joint undivided estates. Passed on the 24th October* 1805.

XVIII.

A REGULATION *for the appointment of a magistrate of the jungle mehals in zillahs Beerbhoom, Burdwan, and Midnapore; and for declaring and extending the rules prescribed for zemindars and managers of zemindarries, entrusted with the police in those mehals. Passed on the 13th December,* 1805.

XIX.

A REGULATION *for defining the form of address, and channel of application, to be observed by public officers in the judicial, revenue, and commercial departments, who may have occasion in the discharge of their official duties, to make applications to his highness the Nawaub Nusser ul Moolk, Nazim of Bengal. Passed on the 19th of December,* 1805.

TITLES

TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1806.

REGULATIONS.

I.

A REGULATION *for abolishing the jurisdiction of zillah Moorshedabad, and annexing the mehals composing it, to the jurisdictions of the city of Moorshedabad, and zillah Beerbhoom; for altering the jurisdiction of the courts of circuit, and provincial courts of appeal, of the divisions of Calcutta, and Moorshedabad; for fixing the order of holding the half yearly jail deliveries in those divisions, and in the divisions of Benares, and Bareilly, for rescinding such parts of the existing Regulations as restrict the senior judges of the courts of circuit from proceeding upon the circuit in their respective divisions; and for extending the authority of the courts of Nizamut Adawlut, and Sudder Dewanny Adawlut, in certain cases. Passed on the 27th of March,* 1806.

II

A REGULATION *for explaining and amending in certain cases, the rules of process to be observed by the civil courts of judicature. Passed on the 27th of March,* 1806.

III.

A REGULATION *for defining the weight and standard of the silver coin, established in the ceded and conquered provinces, by Regulation XLV,* 1803, *and Regulation XI,* 1805, *and the weight of the copper coin established in the said provinces by the Regulations abovementioned; also for fixing a table of rates for regulating the receipt and payment of rupees of different descriptions, during the periods prescribed by Regulation XLV,* 1803, *for the receipt and payment of rupees not being the rupees declared by that Regulation, and by Regulation XI,* 1805, *to be the established and legal silver coin within the ceded and conquered provinces. Passed on the 27th of March,* 1806.

IV

A REGULATION *for levying a tax from pilgrims resorting to the temple of Jugunnauth, and for the superintendence and management of the temple. Passed on the 3d of April,* 1806.

V.

A REGULATION *for preventing persons from evading payment of the tax established by Regulation IV,* 1806. *Passed on the 17th of April,* 1806.

VI.

A REGULATION *for the more effectual repair of embankments. Passed on the 17th of April,* 1806.

VII.

VII.

A **REGULATION** *for re-establishing a court of civil judicature in the vicinity of Calcutta; and for defining its jurisdiction. Passed on the 26th of April,* 1806.

VIII.

A **REGULATION** *to amend the existing rules for receiving complaints in the city and zillah civil courts, against collectors of the land revenue and customs, commercial residents, and other European public officers declared amenable to those courts, for acts done in their official capacity, in opposition to any published Regulation; and to make further provision for a special enquiry, in certain cases of charge, or information, against any such officers. Passed on the 12th of May,* 1806.

IX.

A **REGULATION** *for giving further effect to the rules passed by government on the 4th July* 1801, *for providing more effectually against the illicit manufacture, importation, transportation, and sale of salt. Passed on the 5th of June* 1806.

X.

A **REGULATION** *for extending to the judicial department, such parts of Regulation VIII,* 1806, *as are applicable to charges, or information, against the European public officers employed in that department; and for making further provision in such cases. Passed on the 19th of June* 1806.

XI.

A **REGULATION** *for facilitating the progress of detachments of troops, through the Company's territories; for affording any requisite assistance to persons travelling through those territories; and for extending the rules contained in Sections LXVIII, and LXXII, Regulation XXII,* 1795, *in Clauses Fifth, and Sixth, Section XIV, Regulation VIII,* 1805, *and in Section XXXI, of that Regulation, to the whole of the Company's provinces, subject to the immediate government of the presidency of Fort William; for the guidance of the civil officers in applying for guards from the regular battalions; and for modifying the rule contained in Clause First, Section XII, Regulation I,* 1804. *Passed on the 3d of July* 1806.

XII.

A **REGULATION** *for annexing the purgunnahs of Sonk, Sonsa, and Sahar, situated on the right bank of the river Jumna, to the jurisdiction of the zillah of Agra, and for extending to those purgunnahs, the Laws and Regulations established for the internal government of the ceded and conquered provinces. Passed on the 3d of July* 1806.

XIII.

A **REGULATION** *for more effectually providing against the offence of forging the public stamps, or stampt paper; and for preventing the sale of stampt paper without a written authority; also for explaining the existing rule respecting copies of judicial and revenue papers. Passed on the 10th of July* 1806.

XIV.

A **REGULATION** *for abolishing the court of dewanny adawlut of the zillah of the northern division of Saharunpore; and for incorporating the jurisdiction of that court, with the civil jurisdiction of the court established in the southern division of Saharunpore. Passed on the 23d of July* 1806.

XV.

XV.

A REGULATION *for the amendment of certain parts of the provisions contained in Clauses Second and Third, Section II, Regulation II, 1796; and Clauses Second and Third, Section XIX, Regulation VI, 1803; and of the rule contained in Section VII, Regulation V, 1799. Passed on the 24th of July* 1806.

XVI.

A REGULATION *for defining the form of address to be observed by the public officers of government in making applications to the members of the family of his highness the Nawaub Naussur-ul-Moolk, the Nazim of Bengal. Passed on the 4th of September* 1806.

XVII.

A REGULATION *for extending to the province of Benares, the rates of interest on future loans, and provisions relative thereto, contained in Regulation XV*, 1793; *also for a general extension of the period fixed by Regulations I*, 1798, *and XXXIV*, 1803, *for the redemption of mortgages and conditional sales of land, under the deeds of bye-bil-wuffa, kut-ca-balah or other similar designation. Passed on the 11th of September* 1806.

XVIII.

A REGULATION *for collecting a toll on boats passing through the eastern canal, which connects the river Hooghly with the Sunderbunds, and through the canals, commonly called the banka-mullah, the Koonjpore kaal, the Gowah kaal, and the Narainpore kaal. Passed on the 16th of October* 1806.

XIX.

A REGULATION *for modifying the rules, under which as established by Regulation XI*, 1800, *and Regulation V*, 1802, *a duty of three and a half per cent is at present levied on brandy, gin, rum, and other spirits on importation by sea; for subjecting spirits of all kinds, (Batavia arrack, and arrack imported into Calcutta from Bencoolen excepted,) to the assessment of that duty, at a fixed valuation per pipe, on being imported by sea at the port of Calcutta, or at any of the foreign settlements, on the river Hooghly; and for amending the rule contained in Clause Sixteenth, Section V, Regulation XXXIX*, 1795, *respecting the deduction to be allowed for leakage of liquors imported in casks. Passed on the 16th of October* 1806.

XX.

A REGULATION *for modifying the existing rules respecting the establishment of shops for the manufacture and sale of spirituous liquors in the vicinity of the military cantonments, at which Europeans are quartered. Passed on the 23d of October* 1806.

XXI.

A REGULATION *for making certain alterations in the office of tehseeldar in the province of Benares, and in the ceded and conquered provinces, on the death, resignation, or removal of any of the persons, by whom those offices are at present held. Passed on the 2d of December* 1806.

XXII.

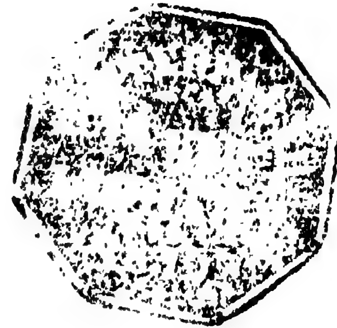
A REGULATION *for modifying the rules hitherto observed in the admission and payment of claims to pensions. Passed on the 18th of December* 1806.

TITLES

TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1807.



REGULATIONS.

I.

A REGULATION *for defining the duties to be performed, and powers exercised by single judges of the provincial courts of appeal, in the absence of the other judges of the court. Passed on the 29th January,* 1807.

II.

A REGULATION *to provide more effectually for the punishment of perjury, subornation of perjury, and forgery. Passed on the 29th January,* 1807.

III.

A REGULATION *for modifying certain parts of Regulation IX,* 1800, *for the foundation of a college at Fort William. Passed on the 5th February,* 1807.

IV.

A REGULATION *for determining the rates at which rupees of sorts, shall be received and issued in the ceded and conquered provinces, during the existence of the depending settlement of the land revenue in those provinces. Passed on the 19th March,* 1807.

V.

A REGULATION *for amending Regulation VI,* 1799, *providing rules for the cultivation of the poppy, and the provision of opium, in the provinces of Bengal, Behar, Orissa, and Benares. Passed on the 19th March,* 1807.

VI.

A REGULATION *for restricting the partition of small estates paying revenue to government. Passed on the 2d April,* 1807.

VII.

A REGULATION *for making certain alterations in the provisions which have hitherto been in force in the province of Benares, respecting persons paying or wishing to pay their revenue directly to the treasury of the collector, instead of paying it through the medium of a tehsildar. Passed on the 16th April,* 1807.

VIII.

A REGULATION *for modifying certain parts of Regulation XIII,* 1806, *respecting stampt paper. Passed on the 16th April,* 1807.

IX.

A REGULATION *for explaining and amending the existing rules of criminal process, and for defining in certain cases the powers and duties of the police officers of the*

the zillah and city magistrates, and of their assistants, of the courts of circuit, and of the court of Nizamut Adawlut. Passed on the 12th May, 1807.

X.

A REGULATION *for the conclusion of the ensuing settlement in the ceded and conquered provinces. Passed on the 11th June,* 1807.

XI.

A REGULATION *for vesting the control of the customs, with certain exceptions, in the Board of Commissioners, appointed under Regulation X,* 1807. *Passed on the 11th June,* 1807.

XII.

A REGULATION *for the appointment of ameens of police, in the provinces of Bengal, Behar and Orissa; and for defining the duties to be performed by them; also for obtaining a complete register of guards and watchmen, employed by landholders, farmers, and others, and declaring the responsibility of their employers, for the conduct of such servants, in certain cases. Passed on the 12th June,* 1807.

XIII.

A REGULATION *for modifying certain parts of Regulation XXXV,* 1793, *Regulation XLV,* 1803, *and Regulation XII,* 1805, *relative to engagements for rupees or goldmohurs, not being of the established coinage. Passed on the 25th June,* 1807.

XIV.

A REGULATION *for amending the system of police established in the province of Benares, and in the ceded and conquered provinces within the divisions of Bareily and Benares, also for extending to those provinces the provisions contained in Regulation XII,* 1807, *for the appointment of ameens of police. Passed on the 2d July,* 1807.

XV.

A REGULATION *for modifying the constitution of the courts of Sudder Dewanny Adawlut, and Nizamut Adawlut, so far as relates to the appointment of the judges of those courts. Passed on the 23d July,* 1807.

TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1808.

REGULATIONS.

I.

A REGULATION *for commuting the tax at present levied on taur, kajoor and nareeal trees, in the provinces of Behar and Benares, to a tax on the sale of the taury, or juice*

extracted

extracted from those trees, whether in a fermented or unfermented state. Passed on the 18th March, 1808.

II.

A REGULATION *for the better security of the property of minors, subject to the jurisdiction of the European court at Chandernagore. Passed on the 16th April,* 1808.

III.

A REGULATION *for restricting and regulating the retail of taury in the ceded and conquered provinces and Bundlecund. Passed on the 13th May,* 1808.

IV.

A REGULATION *for the appointment and administration of the office of canoongoe in the ceded and conquered provinces, and in the province of Benares. Passed on the 17th June,* 1808.

V.

A REGULATION *to explain and declare the intent and meaning of certain clauses in the existing Regulations, respecting the settlement of the land revenue in the ceded provinces. Passed on the 8th July,* 1808.

VI.

A REGULATION *for the settlement of the revenues of the zillah of Cuttack. Passed on the 2d September* 1808.

VII.

A REGULATION *for completing the registers of lands, held free of assessment in the ceded and conquered provinces in the Doab, and on the left bank of the river Jumna, and in the territory ceded by his highness the Peishwah to the British government in Bundlecund. Passed on the 16th September,* 1808.

VIII.

A REGULATION *for the more exemplary punishment of robbery by open violence; and for modifying the rules in force, respecting trials referred to the court of Nizamut Adawlut. Passed on the 19th September,* 1808.

IX.

A REGULATION *for the apprehension of persons concerned in the offence of gang robbery, and especially the sirdars or leaders of gangs of dacoits. Passed on the 4th November,* 1808.

X.

A REGULATION *for the appointment of a superintendant of police; and for defining his jurisdiction and authority. Passed on the 28th November,* 1808.

XI.

A REGULATION *for the adjustment of the rent payable by the heirs of invalid jaggeerdars. Passed on the 28th November,* 1808.

XII.

A REGULATION *to provide for the administration of civil and criminal justice at Serampore. Passed on the 23d December,* 1808.

XIII.

XIII.

A REGULATION *for rendering civil causes which are appealable to the court of Sudder Dewanny Adawlut, cognizable in the first instance by the provincial courts; and for authorizing the execution of decrees appealed from, in certain cases. Passed on the 30th December*, 1808.

TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1809.

REGULATIONS.

I.

A REGULATION *for rendering permanent the Board of Commissioners in the upper provinces, and for investing that Board with certain powers in the province of Benares. Passed on the 3d February*, 1809.

II.

A REGULATION *for enabling the Commander in Chief to delegate the power of appointing general courts martial on native officers and soldiers of detachments from the Bengal army serving beyond sea, and for determining the number of officers necessary for the formation of such courts martial. Passed on the 24th February*, 1809.

III.

A REGULATION *for the support of the police in the cantonments and military bazars; for defining the powers of the civil and military officers in the performance of that duty; and for fixing the local limits of the said cantonments and bazars. Passed on the* 13*th March*, 1809.

IV.

A REGULATION *for rescinding Regulations IV, and V*, 1806; *and for substituting rules in lieu of those enacted in the said Regulations for levying duties from the pilgrims resorting to Juggunnath, and for the superintendence and management of the affairs of the temple. Passed on the 28th April*, 1809.

V.

A REGULATION *to provide in certain cases for the trial of native subjects of the British government, who may be charged with crimes or misdemeanors committed in places out of the limits of the British provinces. Passed on the 6th of June*, 1809.

VI.

A REGULATION *for providing more effectually against the illicit cultivation of the poppy in the provinces of Bengal, Behar, Orissa, and Benares, and for extending to certain native officers employed by the opium agents, the provisions contain-*

ed in Section X, Regulation XXXI, 1793, *and Section IV, Regulation IX*, 1801. *Passed on the 24th of August*, 1809.

VII.

A REGULATION *for modifying certain parts of the existing Regulations respecting the duties leviable by means of stampt paper. Passed on the 4th August*, 1809.

VIII.

A REGULATION *for modifying parts of the rules in force, respecting the appointment and removal of the native officers of government, in the judicial, revenue and commercial departments. Passed on the 29th August*, 1809.

IX.

A REGULATION *for empowering the Calcutta provincial court to receive appeals from the decisions of the Commissioner at Chinsurah and Superintendant of Chandernagore, in certain cases; and to make further provision for the administration of civil justice at those settlements. Passed on the 3d October*, 1809.

X.

A REGULATION *for the establishment of a copper coinage in the province of Benares. Passed on the 15th December*, 1809.

A. D. 1804. REGULATION II.

A REGULATION *for the better management of the invalid jagheerdar establishments, and of the invalid pension establishments.*—PASSED *by the Governor General in Council, on the 23d of February* 1804 *; corresponding with the* 13*th Phaugun* 1210 *Bengal era; the* 28*th Phaugun* 1211 *Fusly; the* 13*th Phaugun* 1211 *Willaity; the* 13*th Phaugun* 1860 *Sumbut; and the* 11*th Zekaad* 1218 *Higeree.*

WHEREAS it has been deemed to be expedient to revise the existing rules for the management of the invalid jagheerdar establishments, and also of the invalid pension establishments, His Excellency the Governor General in Council has been pleased to pass the following rules. (a)

II. Regulation XLIII, 1793, and Regulation LVI, 1795, with the exceptions hereafter mentioned, are hereby declared to be rescinded, and the following rules are enacted to take effect from the present date.

Regulation XLIII, 1793, and Regulation LVI, 1795, rescinded.

Exceptions.

III. *The establishment of villages for invalids, and the appropriation of lands for their support, shall be henceforth confined to the zillahs of Behar, Shahabad, Sarun, Tirhoot, Boglepore, and Chittagong; and no tannah shall be hereafter established without the previous sanction of the Governor General in Council, to be obtained through the Board of Revenue.*

To what zillahs the establishment of invalid villages, and the appropriation of lands for their support are to be confined. No tannah shall be established without the previous sanction of government.

IV. The general superintendence of the invalid jagheer, and pension establishments, is hereby vested in the Board of Revenue.

Board of Revenue vested with the general superintendence of invalid and pension establishments.

V. The immediate superintendence of the invalid jagheer establishments shall be entrusted to officers, who shall be denominated regulating officers. One officer shall be appointed to superintend the jagheer tannahs in the zillahs of Boglepore, and Tirhoot: One officer shall be appointed to superintend the tannahs in the zillah of Behar: One officer shall be appointed to superintend the tannahs in the zillahs of Shahabad and Sircar Sarun: and one officer shall be appointed to superintend the tannahs in the zillah of Chittagong.

Immediate superintendence committed to officers denominated regulating officers.

Districts where they are to be stationed.

☞ (a) In the province of Benares, and in that part of the province of Behar which is comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot, the superintendence of the revenues, and the general control of the collectors in the discharge of their several public duties, have been transferred from the Board of Revenue and Board of Commissioners to the Commissioner appointed under Regulation I, of 1816, and styled the "Commissioner in Behar and Benares," together with all the other duties, powers and authorities which were exercised by the said Boards respectively in the province of Benares, and in the said portion of the province of Behar. The Commissioner therefore is to be understood wherever, throughout this Regulation, the Board of Revenue may be named or intended, if the matter treated of relate to the said province of Benares and that part of the province of Behar above mentioned. Jagheers, or lands, for the support of native invalid officers or soldiers, are not now granted: they are only entitled to a pension, or to their invalid or reduced pay. See Regulation II, of 1811. Part of the following rules relative to jagheer establishments to be formed, are not in force, and part as relate only to those already formed, are to continue in force. The parts printed in Italic characters specify what are not in force.

VI.

Regulating officers to be subject to the orders of the collectors, and the Board of Revenue.

All matters to be submitted to government through the collectors and the Board of Revenue.

VI. The regulating officer in each district shall be subject to, and shall act under the orders of the collector and of the Board of Revenue; and all matters relative to the duties of the said officers which it shall be proper to submit for the information or orders of the Governor General in Council, shall be communicated by the collector of the zillah to the Board of Revenue, who shall submit the same to the Governor General in Council.

Proportion of lands to be granted to invalids.

VII. The following are the proportions of lands, which shall be granted to the several descriptions of invalids:

A subadar of infantry and cavalry, - - -	100 *Begahs.*
A jemadar of infantry and cavalry and sarang, - -	50
Havildar of infantry and cavalry and tindal, - -	30
Naik and Cossob, - - - - -	25

Collector to select lands for invalids on notice given to him.

VIII. On notification being made to the collector of the number and description of invalids admitted on the jagheerdar establishment, the collector shall immediately proceed to select and obtain the quantity of land required for them in the manner and upon the conditions hereafter specified.

Collector to make proposals in writing to the proprietors of lands selected for the invalids, containing the following stipulation.

IX. First. When a collector shall have received information of a spot of waste land, calculated for the purpose of establishing a tannah; or for the accommodation of an invalid, in one of the tannahs already established; he shall make a proposal in writing to the proprietor of the land to take a lease of it in portions or entire, according as it may be wanted for one or more invalids, on the part and in the names of the invalids respectively, and on the terms specified in the following articles.

Land to continue the property of the proprietor and not to be separated from his estate.

Second. Art. 1st. The land shall continue the property of the zemindar or other proprietor, and shall not be separated from his estate.

Pottah to include the julker, bunker and phulker.

Third. 2d. The pottah or deed of lease, shall include the julker, bunker and phulker, or all trees and the produce of them, fisheries and pasture land.

Land to be held rent free by the invalids during their lives, and to devolve to their heirs.

Fourth. 3d. The invalids shall hold the land free of rent, or any demand whatever during their lives; and after their decease the land shall devolve to their heirs.

Heirs of invalids for the first five years after coming into possession, shall pay malikanah to the zemindar.

Fifth. 4th. The heirs of invalids, for the first five years after they shall come into the possession of land, shall pay to the zemindar a sum equal to one-tenth of the produce of the land as malikanah.

The malikanah to cease after five years and the land to be assessed in the proportion of two fifths of the annual produce.

Sixth. 5th. After the expiration of the period of five years, the payment of malikanah shall cease, and the proprietor of the land shall be entitled to rent in the proportion of two-fifths of the annual produce, whether it be in kind or in money, as may be agreed on between the parties concerned in the adjustment. This rent shall not be liable to any variation, and shall be paid to the zemindar, or other proprietor. *(b)*

(b) Explained, and further rules in Regulation XI, of 1808.

Seventh.

Seventh. *6th.* If the original grantee shall die within seven years from the date of his being put in possession of his lands, his heir shall continue to hold them rent-free until the expiration of such period of seven years, from which time the lands shall become subject to the rules contained in the two preceding articles, in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding seven years.

Terms upon which heirs of invalids who die within seven years, are to hold the lands.

Eighth. *7th.* If an invalid shall die without heirs, it shall be left to the option of a fresh man coming upon the establishment, to supply his place in the tannah, upon such fresh man agreeing to take the lands upon the terms to which he would have succeeded to them, had he been the heir of the deceased. If no fresh man will agree to take the lands upon these terms, the lands shall revert to the zemindar or other proprietor, who shall be entitled to dispose of them in such manner as he may think proper.

How lands of invalids dying without heirs are to be disposed of.

Ninth. *8th.* If an invalid shall die, and leave heirs who are not willing to receive the lands upon the foregoing terms, or are incapable of cultivating them, the heirs shall be allowed to dispose of their rights to any of the invalids belonging to the tannah, the purchaser becoming subject to all the conditions in the articles regarding such heirs.

In what cases and to whom the heirs of invalids are to be at liberty to dispose of their lands.

Tenth. *9th.* If an heir to a jagheer shall without reasonable cause leave the land uncultivated for one year after he may claim it, and shall have been ordered to be put into possession, the land shall be deemed forfeited, and shall be transferred to any other invalid, or heir or successor of an invalid, who will take it upon the same terms as he would have been entitled to hold it had he been the heir of the deceased. In the event of no invalid agreeing to take the jagheer upon the above terms, the jagheer shall revert to the zemindar or other proprietor, as in the cases provided for in the seventh article.

Heirs of invalids liable to forfeit their lands if they neglect to cultivate them for one year.

Such lands to be transferred to some other invalid, or to revert to the proprietor.

Eleventh. *10th.* Upon the arrival of the period for assessing lands which shall have devolved to the heirs or successors of invalids, such parts of the lands as might have been cultivated, and are not brought into cultivation, shall be resumed; and the zemindar or other proprietor shall be at liberty to grant pottahs for them to whomsoever he shall think proper, unless the person who shall have omitted to cultivate them, shall enter into an engagement to bring them into cultivation in the course of one year, calculating from the commencement of the year in which they became liable to the final assessment, and in all future years, to pay for them as cultivated lands.

Rules regarding arable lands not brought into cultivation by the time they become liable to assessment.

Twelfth. *11th.* The malikanah and rent to which the lands are declared liable in the fourth and fifth articles, shall be recovered from the incumbent in the same manner as from his other renters and ryots. No increase of revenue shall be levied

Malikanah and rent how to be collected. No increase of revenue to be levied on account thereof.

from

from the zemindar or other proprietor, on account of the rent or malikanah, which shall become payable to him from the lands of the invalids.

Pottah to be obtained from the proprietor for invalids &c. on being put in possession of their lands, or on such lands becoming liable to assessment.

Thirteenth. 12*th.* Whenever an invalid, or his heir or successor, shall be put in possession of a jagheer previous to its being charged with the permanent assessment, the regulating officer shall obtain from the proprietor, through the collector, a separate pottah for such person, which shall express the terms on which he is to hold the land, as specified in the preceding articles. When a jagheer shall become liable to the permanent assessment, the regulating officer shall obtain from the zemindar, or other proprietor, through the collector, a pottah in the name of the possessor, specifying the rate of the rent or assessment; the quantity of land; the boundaries of it; and the terms of the tenure as above defined,

Proprietor to station an agent at each tannah, to keep accounts of the rent and malikanah, and to take care of his interests.

Fourteenth. 13*th.* The zemindars or other proprietors, shall be allowed to station a mutsuddie in the tannahs, to take copies of the accounts of the rent and malikanah which may become due to them, and to inform them of every infringement of the terms, under which the lands in the tannahs are held, as specified in the agreement between them and the zemindar or proprietor.

The authority of the regulating officer to be withdrawn when all the lands in a tannah shall become liable to a permanent assessment, and the tannah to be considered upon the same footing as other villages in the zemindarry.
Heirs and successors of original grantees to hold the land according to their pottahs.

Fifteenth. 14*th.* Whenever all the lands included within the limits of a tannah shall have become liable to the permanent rent or assessment specified in the fifth article, government shall withdraw the authority of the regulating officer, and the tannah shall be considered to be upon the same footing as other villages in the zemindarry or estate; the heirs and successors of the original grantees continuing to hold their lands upon the terms specified in their pottahs.

In what case the jagheer is to devolve to the zemindar, who shall be at liberty to dispose of it as he may think proper.

Sixteenth. 15*th.* After the officers of government shall have been withdrawn from a tannah in the case specified in the fifteenth article, if an invalid, or his heirs or successors, shall die without heirs and intestate, the jagheer, or such parts of it as may have been held by the deceased, shall devolve to the zemindar or proprietor, who shall be at liberty to grant a pottah for it, or to dispose of it to such person, and upon such termss, as he may think proper.

Any other stipulations made between invalids and zemindars shall be binding on the parties.
All differences respecting the nature of the tenures to be decided in the dewanny adawlut.

Seventeenth. 16*th.* Any other stipulations which shall be made between the invalids and the zemindar, or other proprietor of land, shall be binding on the parties. All differences between the zemindar, or other proprietor, and the invalids, or their heirs or successors, respecting the nature of the invalid tenures, shall be decided in the dewanny adawlut of the zillah.

Persons succeeding to an estate, or a part of it, in which any lands may have been leased to government under this Regulation, to abide by the terms of the lease.

X. If the estate, or any part of the estate of a zemindar or other proprietor, in which lands leased to invalids under this Regulation shall be situated, shall be disposed of at public sale, or be transferred, or devolve in any manner to any other person, neither the lease nor the terms of the tenures of the invalids, or their heirs or successors, shall be in any respect affected; but the new proprietor shall be bound by

the

the terms of the deeds in the same manner, as the proprietor who granted them would have been, had he retained the property, notwithstanding anything that may be expressed to the contrary in Regulation XLIV, 1793, or any other Regulation passed on the 1st May 1793, or on any subsequent date.

XI. Whenever invalids shall be established upon lands the property of government, they shall hold the lands of government upon the same terms, as invalids setled upon lands belonging to zemindars, or other proprietors of land paying revenue to government, or upon such other terms as the Governor General in Council shall judge it proper to prescribe, previous to establishing the invalids upon the lands.

Invalids to hold lands the property of government upon the same terms as those of individuals.

XII. Widows being heiresses to the jagheers of their husbands, shall be allowed to marry whom they please without forfeiture of their jagheers, which, after their death, shall devolve to their heirs at law.

Widows being heiresses may re-marry without forfeiting the jagheers, which are to devolve to their heirs at law.

XIII. It shall be the duty of the regulating officer to settle, as far as he may be able by his advice and admonitions, all internal affrays, differences, and claims, which may arise between the invalids themselves and between them and other inhabitants of the district, in such manner as shall be deemed equitable; leaving the parties, if his endeavours prove ineffectual, to have recourse to the established courts of justice. Provided however, that the rule contained in this section shall not be construed to empower the regulating officer, to exercise any authority whatever without the limits of the tannahs under his charge.

Regulating officer to settle as far as possible by his advice all internal affrays, differences and claims.

XIV. To prevent invalid jagheerdars from being harrassed with law suits, and to enable them to defend or prosecute suits in the courts of civil judicature, without being obliged to attend in person, or being subjected to trouble and expense, it shall be the duty of the vakeel of government on the requisition of the collector to plead the causes of such invalids free of cost.

Vakeels of government to plead the causes of invalids free of cost on the requisition of the collectors.

XV. The process of the civil and criminal courts of judicature and of the police officers, shall be current, in the invalid tannahs, in the same manner as in other parts of the country; and the invalids and all inhabitants of the tannahs, shall observe a strict obedience thereto, under pain of paying such fine or suffering such punishment, as the courts are empowered by any Regulation passed and printed in the manner directed in Regulation XLI, 1793, to impose or inflict on persons disobeying or resisting their process.

Process of civil and criminal courts, to be current in the invalid tannahs.
Invalids and all inhabitants of the tannahs to pay obedience thereto, under pain of fine or other punishment.

XVI. Jagheers, whilst possessed by invalids, shall not be assigned as security for money borrowed by them, nor be answerable after their decease for debts contracted by them. But when jagheers shall devolve to the heirs or successors of invalids, such jagheers shall be answerable for debts contracted by such heirs and successors.

Jagheers not to be assigned as security for money borrowed by invalids, nor be answerable for debts contracted by them; jagheers devolving to heirs of invalids, to be answerable for debts contracted by such heirs.

XVII. The distribution of the lands in tannahs shall be made by the regulating officers under the orders of the collector, agreeably to the instructions with which they shall be furnished; and the courts of judicature shall not interfere in any manner,

Distribution of lands to be made by the regulating officers under the orders of the collector.
Courts of judicature not

to interfere nor receive complaints regarding such distribution.

ner, or receive any complaints or representations whatever regarding such distribution.

Invalids to be present at the period of inspection under pain of being struck off the establishment.

XVIII. The invalids shall be present at their respective tannahs at the periods of inspection, in failure of which they shall be struck off the establishment, excepting in cases in which the invalids shall be absent with permission, or from sickness, or other unavoidable cause which shall appear satisfactory to the regulating officer and to the collector. The courts of judicature shall not receive any complaints or representations which shall be presented to them by any invalid for having been struck off the establishment under this section.

Courts of judicature not to receive any complaints from invalids so struck off on that account.

Rules in Section IX, to be considered immediately applicable to lands which shall be henceforward granted to invalids.

XIX. The rules contained in Section IX, shall be considered to be immediately applicable to such lands as shall henceforward be granted to invalids. With a view however to ascertain and fix the tenure of the occupants, and to protect the rights of the proprietors; and to establish as nearly as may be practicable, an uniformity of system throughout the invalid tannahs, the collectors shall endeavour to conclude agreements with the zemindars, rendering all lands now held by invalids, (excepting the lands granted to invalids under the Regulations of the 18th February 1789,) subject to the conditions specified in Section IX, of this Regulation. It shall likewise be the duty of the collectors to new model the tannahs as far as relates to the proportions of land, and to fix for each invalid now on the establishment, the quota of land assigned for his rank by Section VII. The collectors shall also extend this rule to the heirs and successors of invalids, who have come into possession of jagheers; resuming both from invalids and from the heirs and successors of invalids, whatever quantity of land shall appear to have been granted to them exceeding that proportion; excepting where the occupants have brought into cultivation a larger quantity of land than is now fixed for their respective ranks, or for the ranks of their ancestors and predecessors; in which cases the occupants shall not be deprived of any part of the land, which is in actual cultivation, but shall continue to possess the whole under the conditions above prescribed. Provided however that nothing contained in this section shall be construed to annul or set aside any of the rights of the jagheerdars, or of the proprietors of the land under any existing engagements, or under the rules contained in Regulation XLIII, 1793, and Regulation LVI, 1795, (c) until the arrangements prescribed in this section shall with the consent of the zemindars concerned have been carried into complete effect.

The collectors to new model the tannahs already established.

To extend this rule to the heirs and successors of invalids.

Nothing contained in this section shall be construed to annul or set aside any of the rights of the jagheerdars or of the proprietors of land under any existing engagements or rules in Regulation XLIII, 1793, and Regulation LVI, 1795.

Lands required for the tannahs to be cleared by the collector, and a bill for the expense to be submitted to government through the Board of Revenue.

XX. Whenever a new tannah shall be ordered to be established, or whenever land adjacent to any existing tannah shall be required for invalids, the land shall be completely cleared by the collector of the zillah. The collector's estimate of the expense of clearing the land shall include the digging of the necessary wells, the making the necessary embankments or water courses, and every requisite work for rendering the land fit for immediate cultivation. When the land shall be nearly prepared, the collector shall give notice

(c) Both these Regulations are rescinded, except the last Section of Regulation XLIII, of 1793.

to

to the commandant of Allahabad, or other officer in charge of the invalids for the purpose of having the proper number of native officers dispatched to occupy the land. The collector's bill for clearing the ground shall be submitted, when the work shall have been finished, to the Governor General in Council through the channel of the Board of Revenue.

XXI. *First.* The land required for the residence of an invalid, and comprehended within the boundary of his house, garden, and offices, shall be included under a distinct head in the pottah for his jagheer, and the rate which he is to pay for this portion of land shall be fixed by the collector at two-thirds of the usual rates of the district for such land.

Particulars which are to be specified in the pottahs for invalid jagheers.

Second. Any land which shall be required in each village for roads, wells, or other public purposes, shall be purchased by government, and shall be bestowed on the tannah gratis; the amount of the purchase money shall be inserted in the contingent bill of the collector.

Lands required for roads, &c. to be purchased by government and bestowed on the tannah gratis.

XXII. *First. All native commissioned and non-commissioned invalid officers not fit for garrison duty, shall be allowed the option of being transferred to the jagheerdar establishment, (d)* or of retiring to any villages in the Company's dominions, with the reduced pay of their respective ranks, as follows :*(e)*

Native commissioned and non-commissioned invalid officers shall be allowed the option of retiring on reduced pay, or of being transferred to the jagheerdar establishment.

Subadar of cavalry and infantry,		18
Jemmadar of do.	do.	7
Havildar,	do. do	4. 8
Naick,	do. do	4
Sarang,		6
Tindal,		4
Cossub,		3. 8

In the former case the invalids shall not be considered to be entitled to the reduced pay of their rank, nor to any other pecuniary allowance from government.

Second. All such native commissioned and non-commissioned officers, as shall choose to retire to their own villages, *instead of being transferred to the jagheerdar establishment,* shall receive an allowance of six months full invalid pay to enable them to retire to their homes, which advance shall be made to them under the orders of the officer commanding at the station where the invalids assemble.

Officers who shall choose to retire to their own villages shall receive an advance of six months full invalid pay.

(*d*) Expressly rescinded by Regulation II, of 1811, Section II.

(*e*) The reduced pay, or pensions granted by government to invalid native officers or soldiers, are not liable to seizure or attachment at the instance of a creditor, or in satisfaction of a decree of court; and all assignments, bargains, sales, contracts, agreements or securities whatsoever, which may be made by a pensioner after the date of the promulgation of Regulation XII, of 1814, for money to be due thereafter on account of his pension, to be null and void, and of no effect, with certain exceptions. See Regulation XII, of 1814. Persons to whom reduced invalid pay has been granted previously to the orders of government of date the 15th February, 1811, shall receive and continue to receive the same at the rates mentioned in this clause, and clause third following; but persons invalided after the 5th April, 1811, are to receive invalid pay at the rates established by the said orders of government, and which are fully specified in Regulation II, of 1811, Section III, Clause II.

Third.

Upon what conditions the like indulgence shall be granted to the private invalids.

Third. All privates being invalids, and not fit for garrison duty, shall be allowed the same indulgence of six months full invalid pay in advance, with liberty to reside where they please, on the reduced pay of their rank during their respective lives, which advance shall be made to them under the orders of the officer commanding at the station where the invalids assemble; *but such privates shall not be eligible to the jagheerdar establishment, except in particular cases to be determined by the Governor General in Council.* The following is the reduced pay of the different classes of privates:

Trooper,	3
Sepoy,	3
Drummer,	3
Trumpeter,	3
Bhestee,	3
Lascar,	2. 12

When lands may be allowed to privates, in special cases, under the authority of the Governor General in Council, each private shall receive twenty begahs, unless grants to a greater extent should be made to such privates by that authority.

Native commissioned, non-commissioned and private invalids not admitted on the jagheerdar establishment, but admitted on the pension establishment to be furnished with a descriptive roll addressed to the collector.

XXIII. Every native commissioned, non-commissioned and private invalid, *not admitted on the jagheerdar establishment,* but admitted on the pension establishment, shall, on being allowed to retire on reduced pay, receive a descriptive roll addressed to the collector of the district, specifying the name, age, and height of the invalid; the place at which he was born, as well as that at which he may choose to reside; the period of his services, and in what regiment or regiments he may have served; his wounds, if he shall have received any, and any corporal peculiarities, or marks, tending to identify his person: copies of these rolls shall be regularly forwarded to the military auditor general.

The presentation of such roll to the collector shall entitle the invalid pensioner or his heirs to his reduced pay to the time of his death.

XXIV. The half yearly or annual presentation of this roll to the collector of the district, to whom it is addressed, shall entitle the invalid pensioner, to receive the reduced pay of his rank, and on the receipt of the roll, after his death, the collector shall, pay to his heirs, or other person properly empowered to receive the amount of the arrears which may have been due, at the time of his decease.

The invalid pensioner to execute a receipt for each payment, which the collector is to tranfer to the military auditor generâl, for audit.

XXV. At every half yearly or annual payment, the invalid pensioner shall give a receipt for the amount of pay then due to him, which shall be transferred by the collector to the military auditor general for audit, by whom it shall be returned to the collector, and received as a voucher, by the accountant general, to be charged in the military department. After the decease of an invalid pensioner, the collector shall transmit his descriptive roll to the military auditor general, having first noticed upon it, the amount of arrears paid to the heirs of the deceased.

On the death of the pensioner, the collector to transmit his descriptive roll to the same officer noticing the amount paid to the heirs of the deceased.

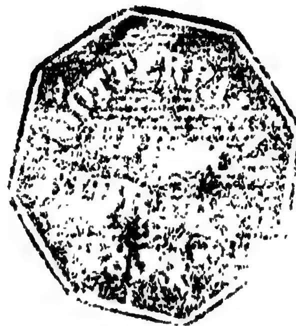
XXVI.

XXVI. Whenever a voucher of a pensioner's existence shall not be fur nished within twelve months from the date of his last receipt of pay, he shall be struck off the roll of the collector, and shall not be again admitted without the orders of government.

Pensioner to be struck off the list when the voucher is not produced within twelve months. And not again admitted without the orders of government.

XXVII. Section XXXIII, Regulation XLIII, 1793, is hereby declared to remain in force.

Section XXXIII, Regulation XLIII, 1793, to continue in force.



A. D. 1804. REGULATION II.

A REGULATION *for altering the periods of the half yearly jail deliveries in the divisions of Calcutta, Moorshedabad, Patna, and Benares; and for providing a quarterly jail delivery in the zillahs of the Twenty-four Purgunnahs, Dacca Jelalpore, and Moorshedabad.*—PASSED *by the Governor General in Council, on the 23d of February 1804; corresponding with the 13th Phaugun 1210 Bengal era; the 28th Phaugun 1211 Fusly; the 13th Phaugun 1211 Willaity; the 13th Phaugun 1860 Sumbut; and the 11th Zekaad 1218 Higeree.*

BY Section III, Regulation III, 1797, the courts of circuit established in the provinces of Bengal, Behar, and Benares, have been directed to commence their circuits for the jail deliveries of the zillahs within their respective divisions, on the 1st March, and 1st October, of each year, except in the Dacca division; in which, from local circumstances, the commencement of the half yearly circuit is ordered to be on the 1st January, and 1st July. Under this rule, the intervals between the circuits, in the divisions of Calcutta, Moorshedabad, Patna, and Benares, being unequal, viz. seven months and five months; the prisoners committed for trial, in the several zillahs of those divisions, are liable to be kept in confinement, before they are brought to trial, for very unequal periods; and this inequality is further increased by the accumulation of trials in each zillah, during the longer interval; whereby also the business and duration of the two circuits are rendered altogether disproportionate; and in some instances the business of the second circuit has not been completed before the arrival of the period for the ensuing circuit. To provide, therefore, for the future commencement of the circuits in the above divisions at an equal, half yearly, period; as well as for a quarterly jail delivery in the zillahs of the Twenty-four Purgunnahs, Dacca Jelalpore, and Moorshedabad, which are contiguous to the stations of the courts of circuit, in whose divisions these zillahs are situated; and also to make further provision for any future alteration which may be found necessary, or expedient, in the periods now fixed for holding the jail deliveries of the several zillahs and cities respectively; His Excellency the most Noble the Governor General in Council, has enacted the following Regulation, to take immediate effect in the province of Bengal; and to be in force, in the provinces of Behar, and Benares, after the completion of the first circuit, under the existing Regulations, for the current year, viz. from the 1st June in the former province, and from the 1st July in the latter. *(f)*

(f) Extended to Cuttack and the Purgunnahs of Puttespore, Kummardichour and Bograe, by Regulation XIII, of 1805, Section XIII, excepting certain parts which have been exempted from the operation of the general Regulations

II.

Clause First, Section III, Regulation III, 1797, rescinded.

II. Clause first, of Section III, Regulation III, 1797, is hereby rescinded.

When the circuits for the Calcutta, Moorshedabad, Patna, and Benares divisions are to commence.

III. The circuits for the divisions of Calcutta, Moorshedabad, Patna, and Benares, shall hereafter commence at the following half yearly periods: which have been fixed with reference to the convenience of the judges, prosecutors, and witnesses, in the respective divisions:—

CALCUTTA DIVISION.

The first circuit to commence on the 1st April, the second on the 1st October.

MOORSHEDABAD DIVISION.

The first circuit to commence on the 1st March, the second on the 1st September.

PATNA DIVISION.

The first circuit to commence on the 1st June, the second on the 1st December.

BENARES DIVISION.

The first circuit to commence on the 1st January, the second on the 1st July.

Jail deliveries of the 24-Purgunnahs, Dacca Jelalpore, and Moorshedabad zillah, to be held quarterly in future, before what judges and at what periods.

IV. The jail deliveries of the Twenty-four Purgunnahs, zillah Dacca Jelalpore, and zillah Moorshedabad, instead of being held, as heretofore, before the judge who proceeds upon the half yearly circuit, and in the order prescribed by Section VI, Regulation III, 1798, shall hereafter be held quarterly, before the second or third judge, (or the fourth, where there may be a fourth judge,) who shall be present at the station of the court of circuit; or when more than one of the judges (exclusive of the senior judge) shall be present, before them alternately, in the months of March, June, September, and December, for the Twenty-four Purgunnahs, and zillah Dacca Jelalpore; and in the months of February, May, August, and November, for zillah Moorshedabad. The quarterly jail deliveries for zillahs Dacca Jelalpore, and Moorshedabad, are to be held, in the months above specified, immediately after the monthly jail delivery for the cities of Dacca and Moorshedabad, prescribed by Section II, Regulation II, 1799, the quarterly jail deliveries for the Twenty-four Purgunnahs, are to be held at the commencement of the months specified. But the whole of such quarterly jail deliveries, when there may be only one judge present at the station of the court of circuit and appeal, besides the senior judge, are to be held upon the days whereon the court of appeal may not sit; or in such manner as may occasion the least possible impediment to the business of that court. (g)

(g) Parts of this section as have reference to the jail deliveries of the Twenty-four Purgunnahs, or to the zillah of Moorshedabad, are rescinded by Regulation XI, of 1814, Section III, and Regulation I, of 1806, Section II, and the remainder, with exception of so much as relates to Dacca Jelalpore, modified. The Twenty-four Purgunnahs have been divided into two districts, one is called the " Suburbs of Calcutta, the other, the " Twenty-four Purgunnahs beyond the Suburbs of Calcutta." Their jail deliveries are held monthly. See Regulation XI, Section III, and Regulation XIV, both of 1814. The jail deliveries of Dacca Jelalpore, though required to be held quarterly by this section, the last enactment on the subject, are held half yearly, probably inconsequence of the orders of the Nizamut Adawlut, under the authority granted to them by Section VIII, of this Regulation. The zillah of Moorshedabad is abolished, the mehals which composed it, have been partly annexed to the city of Moorshedabad and partly to the zillah of Beerbhoom. See Regulation I, of 1805, Section II. Each of the courts of circuit now consists of four judges instead of three; and by Regulations passed subsequently to this Regulation, separate sittings of the provincial courts of appeal have been authorized, to be held by one or more judges, for the dispatch of the business of those courts.

V. *If, in any instance, neither the second, third (or fourth) judge of the court of circuit should be present to hold the quarterly jail deliveries directed in the preceding section; or, if the second, third (or fourth) judge who may be present, should at any time be prevented by indisposition, or other cause, from holding the quarterly jail delivery at the regular period; and the senior judge of the court of circuit shall be present, the court of Nizamut Adawlut are empowered to authorize the senior judge, to hold the quarterly jail delivery at such period, as authorized, in similar cases, with respect to the monthly city jail deliveries, by Section III, Regulation II,* 1799. (*h*) It is further hereby explained, that the whole of the provisions contained in Sections II and III, Regulation II, 1799, were meant to be extended by Section IV, of that Regulation, to the jail deliveries of the city of Benares, which are consequently to be held monthly, in the mode prescribed by the above sections, instead of being held as directed by Sections XIX and XX, Regulation XVI, 1795; also, that if neither of the law officers attached to the court of circuit be present, or able to attend from indisposition or otherwise, at the time of holding the prescribed monthly or quarterly jail deliveries, the law officer attached to the court of the city or zillah, for which the jail delivery may be held, is to officiate for the law officer of the court of circuit, as provided, with regard to the circuit jail deliveries in general, by Section VIII, Regulation IV, 1797. (*i*)

Instances in which the Nizamut Adawlut may authorize the senior judge to hold the quarterly jail deliveries.

Explanation of Sections II and III, Regulation II, 1799, with respect to the jail deliveries of the city of Benares.

Law officers of the city or zillah court when the jail delivery may be held, to officiate in case of the absence of the law officers of the court of circuit.

VI. In the event of the time fixed by the preceding sections for the commencement of any of the half yearly circuits, or quarterly jail deliveries, falling within the period of the Mohurrum or Dussarah vacations, as fixed by Section II, Regulation III, 1798, the rule contained in Section IV, of that Regulation, is to be considered applicable. The general rule in Section IX, Regulation VII, 1794, restricting the courts of circuit from sitting on Sundays upon any occasion whatever, will, of course, be also applicable under this Regulation.

Rule in case of the circuits or jail deliveries falling within the period of the Mohurrum or Dussarah vacations.

Rule respecting Sundays applicable under this Regulation.

VII. *First.* In consequence of the alteration made by this Regulation in the periods of the half yearly circuits for the division of Patna, the jail deliveries of the several zillahs in that division, will hereafter be held in the following order of succession; instead of that prescribed by Section VI, Regulation III, 1798.

Order in which the jail deliveries in the Patna division are to be held.

1. Zillah Ramghur.
2. do. Behar.
3. do. Tirhoot.
4. do. Sarun.
5. do. Shahabad.

(*h*) This clause having relation to the rules in the preceding section which have been rescinded, is to be taken as of no effect. The jail deliveries, whether half yearly or monthly are required to be held, in ordinary cases, by one of the three junior judges successively, and the senior judge may be employed on that duty at the particular order of the Governor General in Council or the Nizamut Adawlut. See Regulation V, of 1811, Section III, Clause II.

(*i*) See the provision made by Regulation I, of 1810, for occasionally dispensing with the attendance and futwa of the law officers of the courts of circuit.

Second.

Order in which the jail deliveries in the Calcutta division are to be held.

Second. (j) The jail deliveries of the Calcutta division will also be hereafter held in the following order; instead of that prescribed by the Regulation abovementioned.

1.	*Zillah*	*Beerbhoom.*
2.	*do.*	*Burdwan.*
3.	*do.*	*Midnapore.*
4.	*do.*	*Jessore.*
5.	*do.*	*Nuddea.*
6.	*do.*	*Hooghly.*

Nizamut Adawlut, competent with the sanction of government to authorize special deviations when necessary or expedient.

VIII. Under Section VI, Regulation III, 1798, the court of Nizamut Adawlut are empowered to authorize occasional deviations from the order of succession, fixed by that Regulation for the jail deliveries of the several zillahs and cities, upon report being made to the court of any particular circumstances that may occur to render such deviations necessary. The court of Nizamut Adawlut are further hereby declared competent, with the sanction of the Governor General in Council, to authorize any special deviation, which may appear necessary, or expedient, from the rules prescribed in the present Regulation, for the periods of holding the several jail deliveries, whether monthly, quarterly, or half yearly, for the cities and zillahs respectively. *(k)*

(j) The whole of this Clause is rescinded by Regulation I, of 1806, Section IV, wherein see the order for holding the jail deliveries of the zillahs in the division of Calcutta.

(k) The provisions of this Section have been extended to the provisions of Regulation I, of 1806, by Section VI, of the same Regulation, as far as they relate to the jail deliveries mentioned in that Regulation. See also further rules in Section VII, of the same Regulation.

A. D. 1804. REGULATION III.

A REGULATION *for providing against resistance to the processes of the zillah criminal courts and police officers; as well as for compelling the appearance of persons charged with acts of a criminal nature, who may abscond, or otherwise evade the process issued against them: for rendering prosecutions instituted for the recovery of losses sustained by theft and robbery, cognizable in the courts of civil judicature; and for ascertaining the responsibility in such cases of tehseeldars of places held khaum: for amending certain parts of Regulation VI,* 1803*: for preventing the offence of dhurna: and for preventing the tribe of raujekoomars killing or causing the death of their female children; in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.*—PASSED *by the Governor General in Council, on the* 8*th of March* 1804*; corresponding with the* 27*th Phaugun* 1210 *Bengal era; the* 12*th Cheyte* 1211 *Fusly; the* 27*th Phaugun* 1211 *Willaity; the* 11*th Cheyte* 1861 *Sumbut; and the* 25*th Zekaad* 1218 *Higeree.*

THE rules laid down in Regulation III, 1803, for punishment of resistance to the processes of the zillah civil courts, not having been extended to the criminal courts, nor any rule prescribed for compelling the appearance of persons charged with acts of a criminal nature, who may abscond or otherwise evade the processes issued against them; experience has shewn the necessity of a provision for these cases; both to maintain the just authority of the magistrates and police officers; and to prevent any evasion of their processes by flight, concealment, or otherwise. Prosecutions instituted under Regulation XXXV, 1803, against tehseeldars and landholders whose estates are huzzoory tehseel, to recover losses by theft or robbery, and by tehseeldars and huzzoory tehseel landholders against the landholders and farmers for indemnification, having been held to be cognizable in the magistrate's court, it has been judged expedient that such prosecutions should in future be filed and decided in the courts of civil jurisdiction. It has also been deemed necessary to obviate any doubt whether tehseeldars of places held khaum, are to be held answerable for losses by robbery and theft; and to amend certain parts of Regulation VI, 1803. It has further been judged expedient to adopt measures for preventing the illegal practice of sitting dhurnah; and for putting a stop to the inhuman custom, hitherto prevalent among the tribe of raujekoomars, in some parts of the ceded provinces, of causing their female infants to be starved to death. The Governor General in Council has therefore enacted the following rules; to be considered in force from the period of their promulgation. *(l)*

(l) Extended to the zillahs of Allyghur, to the zillahs, or Northern and Southern divisions of Saharunpore, to the zillah of Agra, and to the zillah of Bundlecund, by Regulation IX, of 1804; the operation commenced

Zillah magistrates how to proceed against persons resisting their processes.

II. *First.* If any person amenable to the authority of the magistrates or police officers, shall resist, or cause to be resisted, any warrant, order, or other process of any magistrate, or police officer, the magistrate of the zillah in which such resistance may have been made, on the same being charged on oath, shall, if practicable, cause the party accused to be apprehended, and brought before him to answer to the charge. If the party shall abscond or conceal himself so that he cannot be apprehended, or if, on any account, he cannot be immediately apprehended, the magistrate is to cause a written proclamation, in the Persian and Hindostanny languages, requiring the party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum, and to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. *(m)* If the party charged as above cannot be apprehended, and shall not, within the period fixed by proclamation, appear to answer the charge against him; or if he shall be apprehended or shall appear in pursuance of the proclamation, and after receiving his answer to the charge, and hearing the evidence he may adduce in his defence, it shall be proved to the satisfaction of the magistrate that he is guilty of the charge; the magistrate is to pass judgment against him in the following manner.

Judgment to be passed against persons convicted of such resistance.

If a proprietor of land paying revenue to government, or of lakheraje land.

Second. If the offender be a zemindar, talookdar, or other proprietor of land paying revenue to government; or the proprietor of altumgah, aymah, or other lands exempt from revenue, situated within the zillah in which the resistance was made; and the case shall not come under the rule provided in clause fifth of this section; the magistrate shall declare such lands to be forfeited to government; and, by a precept under his official seal and signature, shall immediately give notice to the collector of the district; who, on receipt thereof, shall cause the lands in question to be attached on the part of government, and shall hold them in attachment till the receipt of a further precept from the magistrate to relinquish them, or of orders from the Governor General in Council, to be communicated to him in the manner hereafter directed.

If a sudder farmer holding a farm from government.

Third. If the offender be a sudder farmer holding a farm from government within the zillah in which the resistance may have been made; and the case shall not come under the rule provided in Clause Fifth of this Section; the judgment

in all those zillahs, except Bundlecund, from the 30th December, 1803, and in the latter, from the 16th December, 1803, subject to the exceptions taken by Regulation IX, of 1804, Section XI. The dates above mentioned prescribed for the operation of this Regulation in the several zillahs aforesaid, are not to affect, or to extend, to certain Purgunnahs separated from the zillahs of Moradabad and Etawah, and annexed to the zillah of Allyghur. Extended also to the Purgunnahs of Sonk, Sonsa and Sahar, (annexed to the zillah of Agra) by Regulation XII, of 1806, Section III; the operation commenced from the 17th April, 1805.

(m) See the Circular Orders of the Nizamut Adawlut, second Edition, Page 90, No. 4, Head—PROCLAMATIONS.

against

against him shall declare his lease cancelled; and the magistrate, by a precept under his official seal and signature, shall immediately give notice to the collector of the district, who, on receipt thereof, shall proceed as above required with respect to lands declared forfeited to government.

If the offender be not of the above descriptions.

Fourth. If the offender be not a proprietor of land or sudder farmer paying revenue to government, as described in the two foregoing clauses, the judgment against him shall declare him liable to the payment of such fine to government as may appear proper, upon a consideration of his rank and circumstances in life and the offence of which he may be convicted; and the magistrate shall immediately proceed to the attachment of any property appertaining to the offender for the recovery of the same, in the manner authorized by the Regulations for the recovery of sums of money decreed by the civil courts of justice. In cases wherein the offender may have been apprehended, and may not be possessed of property adequate to the discharge of the fine adjudged against him, the magistrate, with the concurrence of the Nizamut Adawlut, may commute such fine to imprisonment or corporal punishment.

Magistrates may inflict punishment in certain cases of resistance, without the reference required in Clause Sixth.

Fifth. In cases of resistance to the process of a magistrate or a police officer, not attended with aggravating circumstances, wherein the magistrate before whom the charge may be tried shall judge it sufficient to inflict the punishment which he is authorized to inflict for petty offences, under Section VIII, Regulation VI, 1803, it shall not be necessary to transmit his proceedings for the consideration of the Nizamut Adawlut, as required by Clause Sixth of this Section; but the judgment of the magistrate shall be executed, in such cases, without reference to the Nizamut Adawlut; subject to the general rule contained in Section XVII, Regulation VI, 1803, whereby the judgments of the several magistrates are liable to revision by the court of circuit: and if appearing to have been passed upon insufficient grounds, to be altered or reversed by the court of Nizamut Adawlut. In the execution of this rule, the judges of the court of circuit, to whom the original proceedings of the magistrates are submitted at the successive jail deliveries, are expected to examine with attention the proceedings of the magistrate in any case wherein a petition of complaint may be preferred to them at the jail delivery next after the magistrate's decision upon the case; and to make the report directed by the above Section to the court of Nizamut Adawlut, if the circumstances of the case shall appear to require it; or, if otherwise, to inform the party complaining by a written order upon his petition. (*n*)

In such cases the judges of the court of circuit are to examine the proceedings of the magistrates with attention, and report thereon.

Judgments of magistrates under this Regulation, (with the exception specified in Clause Fifth),

Sixth. Provided always, that the whole of the judgments passed by the magistrates under this Regulation, (with an exception to the judgments passed

(*n*) Modified by Regulation IX, of 1807, Section XXII.—The courts of circuit are authorized whenever any case may appear not to have been sufficiently investigated, to direct a further inquiry to be made by the magistrate, and the result to be communicated to them, collectively, for their further orders, instead of reporting it in the first instance to the Nizamut Adawlut.—See also the Circular Orders of the Nizamut Adawlut, second Edition, page 6, No. 11, Head—COURTS.

under

to be reported to the Nizamut Adawlut, without whose orders such judgments not to be considered final and conclusive.

under the preceding clause) be immediately reported, with a complete copy of their proceedings, to the court of Nizamut Adawlut, and the orders of that court be received, under the following section, before the judgment passed by a magistrate under this Regulation, be considered final and conclusive.

Nizamut Adawlut how to proceed in cases referred to them under this Regulation.

III. The Nizamut Adawlut, on the receipt of the proceedings above referred to, are to pass such order thereupon as they may think proper, on due consideration of the evidence and all the circumstances of the case; and in all instances wherein the forfeiture of the offender's lands or lease may appear to them too severe a punishment for the offence, they are authorized to commute the same for such fine to government as they may judge adequate, and order the attachment of the lands to be taken off on the payment thereof. The sentence of the Nizamut Adawlut is to be final in all cases of fine, imprisonment, and corporal punishment; but in case they shall confirm the judgment of the magistrate for a forfeiture of the offender's land or lease, they are, previously to ordering such sentence to be carried into execution, to transmit their proceedings, with those of the magistrate, accompanied by an English translation of such proceedings, to the Governor General in Council, who will finally determine, whether the sentence of forfeiture shall be put in force, or commuted to a fine, or otherwise; and who, whenever he may order the land or lease of the offender to be forfeited to government, will, at the same time, cause the necessary instructions for the future disposal of the land to be conveyed to the collector through the Board of Revenue. In case the magistrate's judgment of forfeiture be set aside, either by the Nizamut Adawlut, or the Governor General in Council, he is immediately, on being informed thereof, and on receipt of the fine, (if a fine be ordered) to issue a precept to the collector, requiring him to remove the attachment, and to cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

Magistrates how to proceed against persons who may evade their processes by flight or concealment.

IV. *First.* If any person, charged with an offence of a criminal nature, shall abscond, or conceal himself, so that upon a process issued against him by a magistrate or police officer he cannot be found, the magistrate is to cause a written proclamation, (in the Persian and Hindostanny languages) requiring the absent party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum; and shall cause such proclamation to be affixed in some conspicuous part of his cutcherry; as well as on the outer door of the house in which the party may have usually dwelt; or some conspicuous place in the village in which he may have generally resided. *(o)* In case the party shall not appear and deliver himself up within the period fixed by such proclamation, the magistrate, on receiving the nazir's return to this effect, is to order the attachment of any land or other real property held by the absentee within his jurisdiction, in the following manner.

Lands or other real property to be attached upon non attendance after proclamation.

(o) See the Circular Orders of the Nizamut Adawlut, second Edition, Page 90, No. 4, head PROCLAMATIONS.

Second.

Second. If the absentee be a proprietor of land, or sudder farmer paying revenue to government, he is to issue a precept, under his official seal and signature, to the collector of the district, requiring him to hold the land or farm of the absentee in attachment, till the receipt of further notice; and the collector is accordingly to obey such requisition, and to take such measures as may be necessary for the due care and management of the lands whilst under his charge, subject to the instructions of the Board of Revenue, to whom he is to make an immediate report of any instances of land being delivered over to him under this Regulation. He is also to relinquish such lands, on being advised by the magistrate that the attachment has been taken off, on the attendance of the absentee; and is to cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

Attachment in what manner to be made, if the absentee be a proprietor or farmer of land paying revenue to government.

Third. If the absentee be not a proprietor or farmer of land paying revenue to government, but, as a dependent talookdar, under-farmer, or ryot, or in any other capacity whatever, be the tenant of landed property capable of attachment, the magistrate is to issue a precept to the collector of the district, directing him to attach the same, and adopt the necessary measures for the due care and management of it whilst under his charge; paying from the product any rent which may become due to the zemindar or other person entitled thereto; and deducting all necessary expenses in the account to be rendered to the absentee, whenever he may attend, and the attachment of his property be removed.

Or, if the absentee be not of the above descriptions.

Fourth. In all instances wherein an attachment of property may be ordered, under the foregoing rule, the magistrate, immediately on the attendance of the party for whose appearance it was ordered, is to direct, by a written precept, that the attachment be removed, and that a full and fair account be rendered of all receipts and disbursements during the period of attachment.

Attachment to be taken off on attendance of the absentee, and an account rendered of receipts and disbursements.

Fifth. Should the absentee neglect to attend for a period of six months after the lands have been ordered under attachment, the magistrate is to report the case to the Governor General in Council, who will pass such order upon it, and upon the future disposal of the lands, as he may judge proper.

Report to be made to the Governor General in Council, in case the absentee shall not attend within six months after the attachment of his lands.

V. The rules contained in Section II, of this Regulation, shall not restrict the magistrates from admitting to bail persons charged with resistance to a warrant, order, or other process of a magistrate or police officer, in cases not attended with aggravating circumstances, or in any case when the magistrate, upon receipt of the charge, or in the course of his enquiry respecting it, or after he shall have passed judgment upon it, during the reference required to be made to the Nizamut Adawlut, may judge proper to admit the defendant to bail. On the contrary, as resistance of process is not included in the specification of crimes declared not bailable by Section VII, Regulation VI, 1803; and as the penalty

Magistrates not restricted from admitting to bail persons accused of resistance to criminal processes in certain cases.

provided

provided for this offence by the present Regulation is forfeiture of property, or fine; (with eventual imprisonment or corporal punishment if the fine be not paid) it is hereby declared, that persons apprehended on a charge of resistance of process, under this Regulation, or under any other Regulation, and who may not be accused of any aggravating crime, in addition to the resistance of process, such as is declared not bailable by Section VII, Regulation VI, 1803, or Section VII, of this Regulation, are to be admitted to bail, until a final decision shall have been passed upon the charge; provided the bail offered by them, shall appear to the magistrate or other public officer to whom the charge may be preferred, sufficient for securing the appearance of the person so charged during the prescribed investigation of the case.

In what cases such persons may be admitted to bail.

Prosecutions against tehseeldars &c. under Sections III, and XXVI, Regulation XXXV, 1803, and by tehseeldars, &c. under that Regulation, declared cognizable in the civil courts.

VI. *(p) First.* All prosecutions instituted against tehseeldars, landholders, and farmers, under Sections III and XXVI, Regulation XXXV, 1803, to recover losses sustained by theft and robbery, and all prosecutions instituted by tehseeldars, huzzoory tehseel landholders, and farmers, under the above Regulation, for indemnification when they have been made answerable in the first instance, shall be filed and decided in the civil courts, subject to all the rules provided by the existing Regulations for other suits cognizable in the said courts.

Tehseeldars of places held khaum, equally answerable for losses sustained by theft and robbery with other tehseeldars.

Second. That doubts may not be entertained, whether tehseeldars of places held khaum, (appointed under Regulation XXVII, 1803,) shall be made answerable, under the rules and restrictions contained in Section III, Regulation XXXV, 1803, for losses sustained by theft or robbery, it is hereby declared, that such tehseeldars shall be held responsible equally with all other tehseeldars appointed under Regulation XXVII, 1803.

Setting fire to any house, village, or town, declared to be not a bailable offence.

VII. In addition to the cases specified in Section VII, Regulation VI, 1803, it is hereby declared, that the offence of setting fire to any house, village, or town, is not bailable. *(q)*

Reward authorized by Section XXIII, Regulation VI, 1803, to extend to robbers and dekoits, herein described.

VIII. *(r)* The reward which the magistrates are empowered to grant, by Section XXIII, Regulation VI, 1803, is to be considered to extend to all robbers and persons concerned in any daka, or night or day attack on any house, village, or town, and in robbing or setting fire to, or attempting to rob or set fire to, such house, village, or town.

On the receipt of this Regulation, proclamations to be published by the magistrates, prohibiting the practice of dhurnah, which procla-

IX. *First.* Immediately on the receipt of this Regulation, the several magistrates shall issue a proclamation, prohibiting the practice of sitting dhurnah, and notifying, that any persons who may practise the same, after the publication of such

(p) The whole of this Section has been rescinded by Regulation XIV, of 1807, Section III. The police of the ceded and conquered provinces has been vested in officers appointed on the part of government, and subordinately to them in the zemindars and farmers of land.

(q) Persons guilty of the crime of Arson are already declared not entitled to be bailed by Regulation VI, of 1803, Section VII—the Regulation above quoted.

(r) This section has been rescinded by Regulation XVI, of 1810, Section III. See other rules in Sections XV, XVI and XVII, of that Regulation.

proclamation

proclamation, will subject themselves to the punishment hereafter mentioned. The magistrates shall transmit the said proclamation to the several local chief officers of police within their respective jurisdictions, with directions to publish the same by beat of drum at their cutcherries, or tannahs, and afterwards return them to the magistrates, with certificate of such publication, and the manner in which it has been made. The several magistrates shall deposit such proclamations so certified to them, amongst the records of their respective courts; and on every trial for dhurnah which may take place under this Regulation, shall lay before the court of circuit a copy, authenticated by their signature, of the proclamation published and certified, as above directed, by the local chief officer of police, within whose jurisdiction the offence may be charged to have been committed.

mations, after publication, to be deposited among the records of the criminal courts; and copies of them to be laid before the court of circuit on trials for the said offence.

Second. On a complaint in writing being presented to the magistrate against any brahmin or brahmins, or against any other person or persons of whatever description, for sitting dhurnah, the magistrate, upon oath being made to the truth of the information, shall issue a warrant under his seal and signature for the apprehension of the person or persons thus complained against. (*s*) On the prisoner or prisoners being brought before the magistrate, he shall enquire into the circumstances of the charge, and examine the prisoner or prisoners, and the complainant; and also such other persons (whose depositions are to be taken on oath) as are stated to have any knowledge of the misdemeanor alleged against him or them; and commit their respective depositions to writing: and after this enquiry, if it shall appear to the magistrate that the misdemeanor charged against the prisoner or prisoners was never committed, or that there is no ground to suspect him or them to have been concerned in the committing of it, the magistrate shall cause such prisoner or prisoners to be forthwith discharged; recording his reasons, for the information of the court of circuit, in the manner specified in Section XVII, Regulation VI, 1803. On the contrary, if it shall appear to the magistrate, that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the prisoner or prisoners to have been concerned therein as principals or accomplices, the magistrate shall cause him or them to be committed to prison, or held to bail, (according as in his discretion he shall judge proper) to take his or their trial at the next session of the court of circuit; and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence, in the manner required by Section V of the Regulation abovementioned.

Magistrates to cause brahmins, or other persons, sitting dhurnah, to be apprehended.

X. *First.* The trial of persons charged with sitting dhurnah shall be brought forward by the magistrates, and take place before the court of circuit, (with the modifications herein contained) under the several rules prescribed to the magistrates and

Trials for dhurnah to be brought forward and conducted with the modifications herein contained (under Regulations VI, and VII, 1803). The e-

(*s*) Modified by Regulation IX, of 1807. See the mode of proceeding prescribed in cases of complaint preferred to magistrates, whether of a heinous or trivial nature, or bailable or not bailable, from Section III to Section X, of that Regulation.

court

vidence on such trials to be referred to the pundit of the provincial court of appeal, and should he declare the charge to be proved, the prisoner to be sentenced to forfeit the claim for which the offence was committed, and to pay a fine not exceeding one thousand rupees, and to be confined (in certain cases) for a period not exceeding one year.

court of circuit for the bringing forward and conducting trials in Regulations VI and VII, 1803. The court of circuit, on being satisfied that the proclamation directed in Section IX of this Regulation has been duly made in the police jurisdiction in which the offence may be alleged to have been committed, are to proceed to examine the evidence for the prosecution, and after the evidence is closed, shall transmit it to their sudder station. On the receipt of the evidence, the judges present at he sudder station shall refer it to the pundit of the provincial court of appeal, who is hereby authorized and required to deliver, in writing, the bebustah or exposition of the law of the Shaster, as to whether the facts contained in the evidence amount to proof of the prisoner or prisoners having committed dhurnah; and in the event of such bebustah being in the affirmative, the said judges, if present, shall sentence the prisoner or prisoners to forfeit all title to the right or claim for the realization of which the misdemeanor shall have been committed, and to pay a fine to government proportioned to the situation and circumstances in life of the prisoner or prisoners; provided that the amount shall not exceed, in any case, the sum of one thousand sicca rupees; and also in instances attended with great aggravation, to be confined in the jail of the civil court for a period not exceeding one year; and shall issue their warrant to the magistrate, in whose custody the prisoner or prisoners may be detained, to carry the sentence into execution without reference or delay.

Court of circuit how to proceed in case all the legal requisites to constitute dhurnah shall not be found, although the offence was substantially committed.

Second. In the event of the bebustah, which the pundit is required to deliver by the foregoing clause, not stating the circumstances sworn to in the evidence to amount to the offence of dhurnah; and the court of circuit shall nevertheless be of opinion, from the evidence before them, that the prisoner did in fact commit dhurnah, according to the common construction and received meaning of that term, although the act may not have been attended with all the circumstances that may be legally required to constitute dhurnah, according to the description of it in the books of the Hindoos; the said court, under such circumstances, are to take from the prisoner or prisoners a mochulka or engagement conditioning, that if such prisoner or prisoners shall again sit dhurnah on any one, or perform any act of a nature so similar to dhurnah, as shall, on their being prosecuted before the court of circuit, be deemed by the judges of the said court present at the trial, or the majority of them, equivalent or tantamount to dhurnah, the said prisoner or prisoners shall respectively, for such second offence, suffer the full penalty of dhurnah, as described in the foregoing clause, and by being made to forfeit all right and title to the claim in question.

Explanation of the bebustah to be given by the pundit under this Regulation.

Third. The pundit of the court of appeal, in delivering the bebustah required from him, under the present Regulation, (as to whether the facts established by the evidence against the prisoner amount to proof of his having committed dhurnah) is not to consider himself restricted to the exact definition of dhurnah in the Shaster; but is to regard the common construction of that term and practice, and the circumstances generally understood to denote it, whether described in the Shaster under the

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technical denominations of dherm, bebhar, chullona, achrit, or any other mode of duresse practised by individuals, without authority from the magistrate, for the recovery or extortion of money, such as is evidently meant to be prohibited and punished by Sections IX and X of this Regulation.

How raujekoomars are to be tried and punished for leaving or causing their female infants to perish for want of nourishment.

XI. Immediately on the receipt of this Regulation, the several magistrates shall issue a proclamation throughout their respective jurisdictions, prohibiting the inhuman practice, hitherto prevalent among the tribe of raujekoomars, of causing their female infants to be starved to death; and declaring, that if any raujekoomar, after the publication of the proclamation, shall designedly prove the cause of the death of his female child, by prohibiting its receiving nourishment, or in any other manner, such raujekoomar will be liable to be tried in the manner directed by Regulations VII, and VIII, 1803, with respect to other cases of murder. It is now accordingly ordained, that from the publication of the proclamation above directed, if any raujekoomar shall designedly prove the cause of the death of his female child, by prohibiting it's receiving nourishment, or in any other manner, the magistrate, on receiving information thereof, upon oath, or such other information or proof as he shall deem sufficient to render the charge highly probable, shall cause such raujekoomar to be apprehended in the manner prescribed, and make the enquiry ordered, in Section V, Regulation VI, 1803; (t) when, if it shall appear to the magistrate, that the crime has been actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the magistrate shall cause him to be committed to prison to be tried before the court of circuit; and shall, at the same time, take all the other precautions required in the section and Regulation above quoted, relative to securing the attendance of the original complainant or informant, and of the witnesses; and the prisoner shall be tried accordingly, in the manner directed in Regulations VII, and VIII, 1803, with respect to other cases of murder. (v)

(t) See the mode of proceeding prescribed in cases of complaint preferred to magistrates, whether of a heinous or trivial nature, or bailable or not bailable, in Regulation IX, of 1807, from Section III to Section X.

(v) See the Circular Orders of the Nizamut Adawlut, Second Edition, Pages 87 and 88, Nos. and 2, Head PROCLAMATIONS.

A. D. 1804. REGULATION IV.

A REGULATION *for the administration of justice in criminal cases in the zillah of Cuttack.*—PASSED *by the Governor General in Council, on the 3d May* 1804; *corresponding with the 22d Bysaak* 1211 *Bengal era; the 9th Bysaak* 1211 *Fusly; the 22d Bysaak* 1211 *Willaity; the 8th Bysaak* 1861 *Sumbut; and the 22d Mohurrum* 1219 *Higeree.*

WHEREAS the province of Cuttack, including Balasore, and the other dependencies of the said province, hath been ceded to the honorable the English East India Company in full sovereignty by Maharajah Raghoojee Bhoonsla; and whereas it is necessary for the security of the persons of the inhabitants, to provide for the administration of justice in criminal cases in the said province; and whereas it hath been the ancient usage of the said province to administer justice in such cases according to the Mahomedan law; and whereas it hath been deemed advisable to continue the said law, with such modifications of it, as have been adopted for the administration of justice in criminal cases in the provinces of Bengal and Behar, and in the part of the province of Orissa heretofore subject to the dominion of the British government, the Governor General in Council hath been pleased to enact the following rules, which shall be in force from the date of their promulgation.

Province of Cuttack with its dependencies to be included in the Calcutta division and denominated the zillah of Cuttack.
The zillah to be formed into two divisions, and two general jail deliveries to be held there annually by a judge of the Calcutta court of circuit.

II. The province of Cuttack, with its dependencies, shall be included in the division of the court of circuit for the division of Calcutta, and shall be denominated the zillah of Cuttack. *The zillah shall be formed into two divisions, to be denominated the northern and the southern division of the zillah of Cuttack.* (u) Two general jail deliveries for the said zillah shall be holden annually by one of the judges of the said court of circuit at such period and at such place or places, as the court of Nizamut Adawlut shall prescribe.

Court of circuit to be guided in its decisions and proceedings by the Regulations enacted agreeably to Regulation XLI, 1793, for the administration of justice in criminal cases.

III. The court of circuit shall be guided in its decisions and proceedings by the Regulations which have been enacted agreeably to the rules prescribed in Regulation XLI, 1793, for the administration of justice in criminal cases in the provinces of Bengal and Behar, and in the part of the province of Orissa heretofore subject to the dominion of the Britsh government.

A magistrate to be appointed to each division of the zillah of Cuttack.

IV. A magistrate shall be appointed in each of the divisions (w) of the zillah of Cuttack, who shall exercise the powers vested in the magistrates of the zillahs

(u) The district and lands comprised in the province of Cuttack, with the exception of the Pergunnahs of Puttaspore, Kummardichour and Bograe, annexed to the zillah of Midnapore, now constitute one zillah only, and is denominated the zillah of Cuttack. See Regulation XIII, of 1805, Section II.
(w) See the preceding Note.

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with the same powers as are vested in the magistrates in the other provinces.

in the provinces of Bengal and Behar, and the part of the province of Orissa, heretofore subject to the dominion of the British government, under the Regulations passed agreeably to the rules prescribed in Regulation XLI, 1793.

Regulations enacted in future for the administration of criminal justice within Bengal, Behar, and Orissa, shall be considered to extend to Cuttack unless specially excepted.

V. The Regulations which shall be hereafter enacted in the manner prescribed in Regulation XLI, 1793, for the administration of justice in criminal cases, and for the guidance of the magistrates, in the provinces of Bengal and Behar, and in the part of the province of Orissa heretofore subject to the dominion of the British government, shall be considered to extend to the zillah of Cuttack, unless it shall be otherwise specially directed in any Regulation so enacted.

Magistrates to have charge of the police under the superintendence of the Commissioners, who are also to exercise the powers of magistrates.

Magistrates, with the sanction of the Commissioners, to station darogahs: and all existing or future Regulations regarding the police within Bengal, Behar, and Orissa, considered to extend to Cuttack, unless specially excepted.

VI. The magistrates shall have the charge of the police of the country *under the superintendence of the Commissioners appointed to superintend the administration of the affairs of the zillah, who are likewise hereby authorized, jointly and severally, to exercise the powers of magistrates throughout the limits of the zillah.* (x) The magistrates, *with the sanction of the Commissioners,* (x) shall station darogahs of police in those parts of the country, in which the aid of such officers shall be necessary for the maintenance of the peace of the country; and all the Regulations now in force, or which shall be hereafter enacted, regarding the police in the provinces of Bengal and Behar, and in that part of the province of Orissa heretofore under the dominion of the British government, shall be considered to extend to the province of Cuttack, unless it shall be otherwise specially directed by any Regulation printed and published in the manner prescribed by Regulation XLI, 1793, (y). Provided however, that this Regulation shall not be construed to exonerate the zemindars, farmers, or other holders of lands in the zillah of Cuttack, from the duties and responsibility imposed on them by the terms of their respective tenures or engagements, and the usages of the country, for the prevention of robberies and other disorders, and for the maintenance of peace and good order within their respective limits. Such zemindars, farmers, and other holders of lands, shall continue to perform such duties, subject to the same responsibility as heretofore, notwithstanding any thing that may be said to the contrary in any Regulation enacted previously to the date of this Regulation.

This Regulation not to exonerate the zemindars, &c. in Cuttack, from the duties and responsibility imposed on them by the terms of their tenures and the usages of the country.

Magistrates and court of circuit not to take cognizance of crimes committed previously to 14th October 1803.

What sentences may be passed on persons convicted of crimes committed between that period and the date of this Regulation.

VII. This Regulation shall not be construed to empower the magistrates, or the court of circuit, to take cognizance of any crimes or offences committed previously to the 14th of October 1803, the date on which the fort and town of Cuttack surrendered to the British arms; nor to empower the court of circuit, or the Nizamut Adawlut, to pass any sentence on persons convicted of crimes or offences committed between the aforesaid date, and the date of the promulgation of this Regulation, excepting the sentence to which such persons would have been

(x) The Board of Commissioners appointed for the settlement of the affairs of Cuttack, has been abolished, and its authority discontinued. See Regulation XIII, of 1805, Section XII.

(y) See Regulation XXII, of 1816, entitled " A Regulation for enacting and reducing into one Regulation, with amendments and further provisions, the rules in force for the appointment and maintenance of Chokeydars of Police.

subject

Court of circuit empowered to order such sentences to be carried into execution in certain cases

subject under the Mahomedan law, as it prevailed within the limits of the said zillah, during the aforesaid period; provided however that in cases in which the said sentence shall not extend to life or limb, or to imprisonment for a term not exceeding seven years, the court of circuit, in the event of the charge being proved to its satisfaction, shall be at liberty to direct the said sentence to be carried into execution, or to mitigate the punishment to such extent as it shall deem proper on a consideration of the circumstances of the case; and provided also, that in cases in which the said sentence shall extend to life or limb, or to imprisonment for a term exceeding seven years, the proceedings of the court of circuit in such cases, with the opinion of the court on their merits, shall be transmitted to the Nizamut Adawlut, which court, if the charge shall have been proved against the prisoner to its satisfaction, shall, in cases in which the sentence shall adjudge the prisoner to suffer the punishment of mutilation, commute such punishment for imprisonment, or for imprisonment and hard labor for a term of years; and in cases in which the sentence shall adjudge the prisoner to suffer the punishment of death, or of imprisonment for a term exceeding seven years, the court shall direct such punishment to be carried into execution, or commute or mitigate the same, *or recommend the prisoner to the Governor General in Council for mercy, according as shall appear to the court to be proper on a consideration of the circumstances of the case.*(z)

Court of circuit to report to the Nizamut Adawlut in cases where such sentences extend to life or limb or to imprisonment for a term exceeding seven years.

(z) The rule which requires the Nizamut Adawlut to recommend a prisoner thought entitled to mercy, to the Governor General in Council for that purpose, has been rescinded by Regulation XIV, of 1810, Section II: that Court is empowered to remit or mitigate sentences at their own discretion, without the previous sanction of the Governor General in Council.

A. D. 1804 REGULATION V.

A REGULATION *to provide for the appointment and removal of the native officers of Government in the Judicial, Revenue, and Commercial Departments; and in the Departments of Salt, Opium, and Customs; also to make further provision for administering the Oath prescribed by the Statute* 33, *Geo. III. Cap.* 52.—PASSED *by the Governor General in Council, on the* 16*th of August* 1804; *corresponding with the* 2*d Bhadoon* 1211 *Bengal era; the* 25*th Sawun* 1211 *Fusly; the* 2*d Bhadoon* 1211 *Willaity; the* 10*th Sawun* 1861 *Sumbut; and the* 9*th Jemaud-ul-awul* 1219 *Higeree.*

FOR the purpose of ensuring a faithful, diligent, and able discharge of the important duties assigned to the native officers who are employed on the part of government, in the several public offices of the judicial, revenue, and commercial departments, and in the departments of salt, opium, and customs, it is essential that those officers (with an exception of the naib nazirs, mirdahs, peons, and burkundazes, and similar descriptions of public servants who are nominated, and removed upon sufficient cause, by their immediate superiors, under the responsibility of the latter for their good conduct) should be secured in the possession of their respective offices, whilst they discharge the duties assigned to them with diligence, ability, and integrity; that the persons appointed to fill all vacancies in such offices should be selected with due regard to their characters and qualifications; and that they should not be liable to removal from their appointments without proof of their incapacity or misconduct. These objects have been in part provided for by the rules in force concerning the appointment and removal of the law officers of the courts of justice; the cauzy-ul-cuzzaut, and cauzies of the towns, cities, and pergunnahs; and the native officers appointed to keep the records of the courts of judicature, civil and criminal, as well as the keepers of the revenue records in the several collectorships; the whole of whom are appointed by the Governor General in Council, and are not removable without sufficient cause, established to his satisfaction. The principal native officers employed in the police are also, under the existing Regulations, not liable to be removed from their stations without proof of incapacity or misconduct to the satisfaction of the Governor General in Council; and the native commissioners, for the trial and decision of civil causes to a small amount, who are appointed with the approbation of the court of Sudder Dewanny Adawlut, are not removable, during the period of their commissions, without sufficient cause proved to the satisfaction of that court. The zillah khazanchies or native cash-keepers under the collectors, are in like manner, required to be appoint-

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-ed with the approbation of the Board of Revenue, and are declared not to be removable, except for misconduct or other sufficient cause proved to the satisfaction of that Board. But in other instances, it is not required by the existing Regulations that the sanction of the Governor General in Council, or the approbation of the Sudder Dewanny Adawlut, and Nizamut Adawlut, or of the Boards of Revenue, and Trade, be obtained to the appointment of the native officers employed on the part of government in the judicial, revenue, and commercial departments, or in the departments of salt, opium, and customs, nor has any general provision been made for securing the continuance of such officers in their respective situations, whilst they perform the duties assigned to them with attention and fidelity. His Excellency the Most Noble the Governor General in Council, has therefore enacted the following further rules, to be in immediate force within the provinces of Bengal, Behar, and Orissa, (including Cuttack,) the province of Benares, and the provinces ceded by the Nawaub Vizier. *(a)*

Section II, Regulation XIII, 1793, and Section II, Regulation XII, 1803, rescinded in part.

II. Such parts of Section II, Regulation XIII, 1793, (extended to Benares by Regulation XII, 1795,) and of Section II, Regulation XII, 1803, for the provinces ceded by the Nawaub Vizier, as authorize the courts of civil and criminal judicature to appoint their respective native officers, (excepting the naibs of the nazirs, the mirdahs, and the peons,) and to remove such officers for incapacity, misconduct, or other cause that may appear to them sufficient, are hereby rescinded.

Section XIII, Regulation II, 1793, and Section XIII, Regulation V, 1795, rescinded in part.

III. Such parts of Section XIII, Regulation II, 1793, and Section XIII, Regulation V, 1795, as declare the appointment and dismission of native public servants on the establishments of the collectorships (the keepers of the records and the khazanchies excepted) to be vested in the collectors of the revenue, are also hereby rescinded.

(a) Construction by the Sudder Dewanny Adawlut, 1st August, 1817.—The provisions of this Regulation are applicable to English writers, natives of India, and that their appointments and removals ought to be reported accordingly.——Extended to the conquered provinces situated within the Doab and on the right bank of the river Jumna, and to the territories ceded in Bundlecund by the Peishwa, by Regulation VIII, of 1805, Section XV; and particularly to the native officers employed in the mint at Furruckabad, as far as relates to the appointment and removal of native officers, by Regulation XI, of 1805, Section IV. Extended also to the Purgunnahs of Sonk, Sonsa and Sahar, at present annexed to the zillah of Agra, by Regulation XII, of 1806, Section III.—See the Circular Orders of the Sudder Dewanny Adawlut, Second Edition, Pages 23, 24, and 25, Nos. 1, 2, and 5, Head—NATIVE OFFICERS AND PLEADERS, which require the judges of the several courts of judicature to furnish the collectors of land revenue of their respective districts, on the 1st of January of each year, a statement of the lands held by their respective native officers, and to suspend openly in their respective cutcherries, a list of their native officers, specifying their names, salaries, and official designation. By Regulation XXI, of 1814, the creditor, or creditors, or the relatives or dependents of such creditor, or creditors, of any zillah or city judge or magistrate, of any collector of the land revenue or customs, or of any agent for the provision of salt or opium, shall not be appointed to any official situation on the establishment of the person whose creditor or creditors, or the relatives or dependents of such, he or they may be; and the Boards of Revenue and Trade, the Commissioner in Behar and Benares, the Board of Commissioners, and the courts of appeal and circuit, on receiving the reports prescribed by this Regulation, and Regulation VIII, of 1809, to satisfy themselves fully that the natives recommended to fill any vacancies on the establishment of the European officers acting under their control respectively, are not the creditors of the latter. The commercial residents and agents are exempted from the effect of Regulation XXI, of 1814.

Head native officers herein specified not to be removed from their offices without the sanction of the Governor General in Council.

IV. The head ministerial native officers, who are now, or may be hereafter, employed in the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the provincial courts of appeal and circuit, the zillah and city civil courts, and the courts of the magistrates in the several zillahs and cities, the head native officers who are now or may be hereafter employed under the secretary to the Board of Revenue, or the collectors of the revenue, and the head native officers, who are now or may be hereafter employed, under the secretary to the Board of Trade, the commercial residents, or agents, the agents for the provision of salt and opium, or the collectors of the customs, shall not be removed from their respective offices without the sanction of the Governor General in Council. (*b*)

Applications of the head native officers for permission to resign, to be publicly recorded and submitted to the Governor General in Council through the prescribed channels.

V. Whenever the head ministerial native officers of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, of the provincial courts of appeal and circuit, of the city and zillah civil courts, of the courts of the magistrates in the several zillahs and cities, or the principal native officers employed under the secretaries to the Board of Revenue, and Board of Trade, or the head native officers of the collectors of the land revenue, and of the customs, of the commercial residents and agents, or of the agents for the provision of salt and opium, shall be desirous of resigning their offices, the abovementioned authorities are hereby required to receive and record such resignations in open court, or in their public cutcherries, and to transmit the same through the channel prescribed for conducting the public correspondence to the Governor General in Council for his information and orders. (*c*)

Rule of proceeding to be observed when there may appear to be cause for the removal of any head native officer.

VI. (*d*) Whenever the authorities specified in the preceeding sections may see cause for the removal of any of their head native officers on the ground of miscon-

(*b*) The rules contained in this Section, and Sections VI, VII, VIII, IX, and XI, have undergone such material alterations by the several provisions of Regulation VIII, of 1809, and Regulation XVII, of 1816, Section VII, as they may be considered to be virtually superseded altogether.—The appointment, removal, or suspension, of the native officers employed in the Sudder Dewanny and Nizamut Adawluts (excepting their law officers, whose appointment, suspension, or removal, is to be reported to the government for its sanction) are vested in those courts exclusively. The like authority is also vested in the provincial courts of appeal and circuit, in the appointment, removal, or suspension, of the native officers employed under them, excepting in the case of their law officers, whose appointment, suspension, or removal, must be confirmed or sanctioned by the Sudder Dewanny Adawlut or Nizamut Adawlut. The police officers of the zillah and city criminal courts, and the jailors and subordinate officers of the criminal jails, are to be appointed, removed, or suspended, by the magistrates of those courts, without reference to other authority. The native officers of the zillah and city civil courts, who receive a salary of ten rupees or upwards, are to be appointed, removed, or suspended, by the judges of those courts, subject to the sanction of the provincial courts of appeal, excepting the law officers, and the cauzies of cities, towns, or purgunnahs; whose appointment, removal, suspension, or resignation, is rendered subject to the sanction of the Sudder Dewanny Adawlut; and excepting the officers described in Section XII, of this Regulation, whose appointment, removal, or suspension, is to take place according to the rules contained in that Section, all other description of native officers, should there be any, of the zillah and city civil and criminal courts, are to be appointed, removed, or suspended, by the sole authority of the judges and magistrates of the said courts. The native officers employed in the offices of the Boards of Revenue or Trade, the Commissioner in Behar and Benares, constituted by Regulation I, of 1816, and in the Board of Commissioners for the upper provinces, or in the offices under the controul or authority of the said departments, respectively, are to be appointed, removed, or suspended, agreeably to the rules laid down in Section XIII, and the following Sections of this Regulation, as far as they simply relate to the appointment, removal, or resignation, of native officers.

(*c*) The latter part of this section, which requires the resignation of native officers to be transmitted to the Governor General in Council, for his orders, excepting as far as it relates to the law officers of the Sudder Dewanny and Nizamut Adawluts, is modified by Regulation VIII, of 1809.

(*d*) Superseded by Regulation VIII, of 1809, Section IV, Clause 2, and Section X, Clause 4.

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duct, incapacity, or otherwise; they shall communicate to such officer the grounds upon which they may consider him undeserving of continuance in his station; and call upon him to state what he may have to offer in his defence. If his answer appear unsatisfactory, and they shall consequently be of opinion that he ought to be removed, a report of the circumstances of the case, with a copy and translation of the communication made to the officer, and his answer, shall be transmitted, through the prescribed channel of public correspondence, to the Governor General in Council, who will pass such order thereupon as he may judge proper. In the event of any proceedings or documents being referred to in the reports made in such cases, a copy and translation of such parts thereof as may be material, and appear necessary for the full information of the Governor General in Council, shall also be transmitted with the reports required. In cases however in which the head native officer of any of the authorities noticed in Section IV, may have been guilty of gross misconduct, such as to require his immediate suspension from the exercise of the functions of his station, the officer, under whose authority he may be employed, is empowered to suspend him; and, if requisite for the public business, to nominate another person, duly qualified, to act in his place, until the orders of the Governor General in Council can be obtained upon the case.

Report to be made to government in the event of vacancies through death or otherwise.

VII. (c) A report shall likewise be made to the Governor General in Council without loss of time, through the channel above prescribed, whenever an actual vacancy shall occur in the situation of head native officer to any of the authorities mentioned in Section IV, of this Regulation, from death or any other cause.

Courts of Sudder Dewanny Adawlut and Nizamut Adawlut and Boards of Revenue and Trade, to state their opinions on the propriety of accepting resignations, or of proposed dismissions of head native officers.

VIII. (c) Whenever the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or the Boards of Revenue and Trade, (through whom all correspondence on this subject is in future to be conducted), shall receive any reports from the provincial, city, or zillah courts, or from the collectors of the land revenue; or from the commercial residents, or agents, or the collectors of customs, or agents for the provision of salt and opium, enclosing the resignations of their principal native officers, the Sudder Dewanny Adawlut, and the Boards of Revenue and Trade, shall forward the said resignations to the Governor General in Council, with their opinion, whether any objections occur to accepting the resignations in question. In like manner whenever the courts of Sudder Dewanny Adawlut, and Nizamut Adawlut, and the Boards of Revenue and Trade, shall receive any report from the authorities subject to the control of those courts, and Boards respectively, regarding the misconduct or incapacity of their head native officers; the Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, shall forward such reports to the Governor General in Council, (after calling for such further information as they may deem necessary,) and shall state their opinion, whether there appear to be sufficient grounds for the dismission of the officers proposed to be removed. On the same

(c) Modified by Regulation VIII, of 1809. See the Note (b) to Section IV, of this Regulation.

principle,

principle, those authorities are to forward to the Governor General in Council any reports which they may have received of vacancies among any of the head native officers from the death of such officers, or from any other cause.

Rule to be observed in the nomination and appointment of persons to fill vacancies in the station of a head native officer under any of the authorities specified.

IX. (*f*) When the head native officer of any of the authorities specified in Section IV, may be removed from his station by order of the Governor General in Council, and also whenever a vacancy may occur from death, resignation, or otherwise, in the station of head native officer to any of those authorities, the court of Sudder Dewanny Adawlut or Nizamut Adawlut, the provincial court of appeal or circuit, the zillah or city judge or magistrate, the Board of Revenue, or collector, the Board of Trade, commercial resident, or agent, the agent for the provision of salt, or opium, or the collector of customs, in whose immediate department such removal or vacancy may occur, shall nominate, through the proper channel, for the approbation of the Governor General in Council, a person duly qualified to succeed to the station so vacated; and shall at the same time, report fully any information obtained of the past employments, character, and qualifications of the proposed successor. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, in submitting any such reports from the officers in their respective departments to the Governor General in Council, shall add whether they are aware of any objections to the proposed appointment; and the Governor General in Council on the receipt of such reports, or after calling for any further information that may appear necessary, will either confirm the person nominated to fill the vacant office, or will direct that a further nomination be made for his approval.

The rules contained in the five preceding sections declared applicable to the law officers, the cauzies, the record keepers, and the principal police officers, in addition to, and in amendment of, the rules now in force for their appointment and removal.

X. The rules contained in the five preceding sections shall be held applicable to the law officers of the several courts of justice; to the cauzy-ul-cuzzaut, and cauzies of the towns, cities and purgunnahs; to the keepers of the records of the courts of judicature, and of the collectorships; to the police darogahs; (*g*) *and to the tehseeldars, who are vested with the charge of the police in the province of Benares, and the provinces ceded by the Nawaub Vizier; in addition to the rules now in force for the appointment or removal of those officers respectively; or in amendment thereof, as far as the former rules are different from the provisions contained in the preceding sections of this Regulation: but the tehseeldars in the provinces above mentioned being responsibly employed in the collection of the public revenue, they shall not be liable to suspension under Section VI, except by order of the Governor General in Council, or Board of Revenue, or the collectors; and the nomination of persons to fill vacancies in the office of tehseeldar, in the above provinces under Section IX, shall be made to government by the collectors, through the Board of Revenue.*

Provision respecting suspension and nomination of tehseeldars, in charge of the police, in Benares and the ceded provinces.

(*f*) Modified by Regulation VIII, of 1809. See the Note (*b*) to Section IV, of this Regulation.

(*g*) Modified by Regulation VIII, of 1809, and Regulation XVII, of 1816, Section VII. See the Note (*b*) to Section IV, of this Regulation, which shews the nature of the modifications made by those Regulations. The remainder of this Section, printed in Italics, has been rescinded by Regulation XIV, of 1807, Sections II and III.

Power reserved to the Governor General in Council of extending Sections V, VI, VII, VIII, and IX, of this Regulation to any other native officers in the departments specified, for whose removal and appointment he may judge the sanction of government necessary; in the mean time the following rules to be observed.

XI. The Governor General in Council also reserves to himself the power of ordering Sections V, VI, VII, VIII, and IX, of this Regulation, to be applied to any other native officers in the judicial, revenue, or commercial departments, or in the departments of salt, opium, and customs; for whose appointment and removal he may, at any time, judge it proper to require the express sanction of the government. *(h)* In the mean time, the rules contained in the following sections are to be considered applicable to all native officers, whose appointment and removal may not have been specially reserved to the Governor General in Council.

Nazirs of the courts of judicature allowed to appoint certain public servants employed under them, and to fill up vacancies subject to the approbation of the judges and magistrates, and to the responsibility prescribed by Section II, Regulation XIII, 1793, and Section II, Regulation XII, 1803. They may also remove such servants on stating sufficient cause to the satisfaction of the judge or magistrate: but not without his previous knowledge and sanction; police darogahs and other police officers also empowered to nominate and remove similar public servants subordinate to them under the same restrictions.

XII. The nazirs of the several courts of judicature, civil and criminal, shall be allowed, as heretofore, to appoint their own naibs, and the mirdahs and peons, or any similar descriptions of public servants employed under their immediate direction and control: and to fill up all vacancies, which, from time to time, may occur in such appointments, subject to the approbation of the judges and magistrates superintending the courts to which they are attached, and to the responsibility prescribed by Section II, Regulation XIII, 1793, and Section II, Regulation XII, 1803, for the good behaviour of the naibs, mirdahs, peons, and others appointed by them. They may also, as hitherto, remove the persons so appointed by them, provided they can state sufficient cause to the satisfaction of the judge and magistrate; but not without his previous knowledge and sanction. The police darogahs, *and the tehseeldars, who are vested with the charge of the police (i)* as well as the city cutwals, *(j)* and other police officers acting immediately under the zillah and city magistrates, shall, in like manner, and under the same responsibility, be allowed to nominate, for the approbation of the magistrate, their own naibs, jemmadars, and burkundazes, or any similar descriptions of public servants, composing part of their authorized police establishments, whenever vacancies may occur in such establishments, and to remove the persons acting under them upon such establishments, provided they can shew sufficient cause to the satisfaction of the magistrate; but not without obtaining his previous sanction.

The principle of the foregoing section applicable to the same descriptions of public servants in the revenue and commercial departments. Also to any other similar establishments in the judicial department.

XIII. The principle of the foregoing section shall be equally applicable to the naib nazirs, the mirdahs, peons, jemmadars, and burkundazes, or any similar descriptions of public servants employed in the revenue and commercial departments, or in the departments of salt, opium, and customs; and shall be observed accordingly in the whole of the public offices which are now established or may be hereafter constituted, in these departments respectively. It shall also be applied to any establishments of the descriptions specified, which may at any time be allowed by government

(h) See the Notes to the foregoing Sections of this Regulation.

(i) Rescinded by Regulation XIV, of 1807, Sections II and III: the tehseeldarry system of police has been abolished.

(j) This description of police officers, has been prohibited from being entertained in the cities of Dacca, Patna, and Moorshedabad, by Regulation XIII, of 1814.

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to the native commissioners now appointed, or who may be hereafter appointed in the judicial department, and generally to all similar establishments in that department.

Rule for the appointment and removal of other inferior native officers, whose salaries shall not amount to ten rupees per mensem.

XIV. Any other inferior native officers forming part of the fixed establishments of the zillah and city courts, civil or criminal; or of any officers acting under the authority of the zillah and city judges and magistrates; of the provincial courts of appeal and circuit, or of any other court or office in the judicial department; or forming part of the fixed establishments of the collectors of the revenue; of any officers acting under the authority of the collectors of the revenue, or of any other office in the revenue department; or forming part of the fixed establishments of the commercial residents and agents: the agents for the provision of salt, and opium, or the collectors of the customs; and of any officers acting under the authority of these officers, or of any other office, in the commercial department, or the departments of salt, opium, and customs; provided, that the salary or other allowance of the several inferior officers herein referred to, shall not amount to the sum of ten rupees per mensem, may be appointed, whenever vacancies occur in the stations of such officers, and on proof of misconduct, or other sufficient cause, may be removed, without any reference to any superior authority by the public officer, on whose establishment they are entertained, or to whose immediate authority they are subject, viz. by the zillah and city judges and magistrates; the provincial courts of appeal and circuit; the register to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut; and the superintendant, however denominated, of any other office in the judicial department; by the collectors of the revenue, the secretary to the Board of Revenue and any other heads of office in the revenue department; by the commercial residents, and agents, the agents for the provision of salt, and opium, the collectors of customs, the secretary to the Board of Trade, and any other denominations of superintending officers in the commercial department. The whole of the officers herein described, however, are directed to record upon their proceedings the grounds, upon which any native officers may be removed by them, and are required to exercise the power vested in them, in the appointment and removal of the inferior officers acting under them respectively, with due regard to the public service, and the rights of individuals, by selecting proper persons to fill all vacancies in the situations of such officers; and by continuing in office the persons appointed, whether by themselves or their predecessors, whilst they discharge the duties assigned to them with diligence and integrity.

Rule for the appointment and removal of native officers whose salaries amount to ten rupees per mensem, or upwards; and whose appointment and removal have not been reserved to the Governor General in Council by the provisions of this Regulation.

XV. The native officers, who are now, or may be hereafter, employed in the several courts of judicature, civil and criminal, or under any public officer subject to the authority of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut; the native officers who are now or may be hereafter employed under the collectors of the revenue, the secretary to the Board of Revenue, or any public officer subject to the authority of the Board of Revenue; and the native officers, who are now, or may be hereafter employed, under the commercial residents, and agents; the agents for the

provision

provision of salt, and opium; the collectors of the customs; the secretary to the Board of Trade; or any public officer subject to the authority of the Board of Trade, for whose appointment and removal no provision has been made by the preceding sections of this Regulation, viz. all native officers so employed, whose salary or other allowance may amount to ten rupees per mensem, or upwards, and whose appointment and removal may not have been reserved to the Governor General in Council, shall not be removed from their respective offices without the sanction of the court of Sudder Dewanny Adawlut, or Nizamut Adawlut; or the Board of Revenue, or Trade; according to the department in which such officers may be employed. (*k*)

Rule to be observed in cases of actual vacancies among the native officers, or when such officers shall be desirous of resigning their employments or shall be deemed disqualified for their offices.

XVI. Whenever an actual vacancy shall occur among the native officers attached to any of the authorities specified in the preceding section from death or from any other cause, such vacancy shall be immediately reported to the court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or to the Board of Revenue, or Board of Trade, according to the department in which the vacancy may occur. The necessary report is likewise to be furnished regarding any such officers, who may be desirous of resigning their employments; which resignations are uniformly to be taken in the manner prescribed in Section V, of this Regulation. In like manner whenever the authorities specified in the preceding section, may see cause for the removal of any of the native officers therein referred to, they shall communicate to such officer the grounds upon which they may consider him undeserving of continuation in his station, and call upon him to state what he may have to offer in his defence. If his answer appear unfatisfactory, and they shall consequently be of opinion that he ought to be removed, a report of the circumstances of the case, with a copy of the communication made to the officer, and his answer, shall be transmitted (according to the department, in which he may be employed) to the court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or to the Board of Revenue, or Board of Trade, who will pass such order thereupon as they may judge proper. In the event of any proceedings or documents being referred to in the reports made in such cases, a copy of such parts thereof as may be material, and appear necessary for the full information of the court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or the Board of Revenue, or Trade, shall also be transmitted with the reports required. (*k*)

Cases in which native officers may be suspended immediately, and a person appointed to perform the duty.

XVII. In cases wherein any of the native officers described in Section XV, may have been guilty of gross misconduct, such as to require his immediate suspension from the exercise of the functions of his station, the officer under whose authority he may be employed is empowered to suspend him; and if requisite for the public

(*k*) Modified by Regulation VIII, of 1809, and Regulation XVII, of 1816, Section VII. See the explanation given of the modification made by those Regulations, in Note (*b*) to Section IV of this Regulation. In addition to the chief superintending authorities named in these sections, the Commissioner in Behar and Benares is to be included, and also the Board of Commissioners for the Upper Provinces; the former constituted by Regulation I, of 1816, whose authority extends over the province of Benares and that part of the province of Behar comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot; and the latter constituted by Regulation X, of 1807, and declared permanent by Regulation I, of 1809.

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business, to nominate another person duly qualified to act in his place, until the orders of the superior court or board can be obtained upon the case. But such suspensions and nominations are to be reported, with the least possible delay, for the information and orders of the Sudder Dewanny Adawlut, or Nizamut Adawlut, or the Board of Revenue, or Trade, according to the proper department. (*l*)

Such suspensions and nominations to be reported.

XVIII. Whenever an actual vacancy shall occur in the station of any of the native officers described in Section XV, of this Regulation, from death or other cause, and whenever any vacancy shall occur by the resignation or removal of any such officer, under the sanction or orders of the Sudder Dewanny Adawlut and Nizamut Adawlut, or of the Board of Revenue, or Board of Trade, the authorities before specified, in whose immediate department such removal or vacancy may occur, shall nominate for the approbation of the Sudder Dewanny Adawlut, or Nizamut Adawlut, or the Board of Revenue, or Trade, a person duly qualified to succeed to the station so vacated, and shall at the same time, report fully any information obtained of the past employments, character and qualifications, of the proposed successor. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, on the receipt of such reports, or after calling for any further information that may appear necessary, are authorized to confirm the person nominated to fill the vacant office, or to direct that a further nomination be made for their approval. (*l*)

Rule to be observed in the nomination and appointment of persons to fill vacancies in the stations of native officers described in Section XV.

XIX. The rules contained in the four preceding sections shall be held applicable *to the native commissioners for the trial of civil causes*, (*m*) and to the khazanchees or native cash keepers of the collectors, in addition to the rules now in force for the appointment and removal of those officers, or in amendment thereof, as far as the former rules are different from those now enacted. The provisions in those sections are also meant to include the tehseeldars employed for the collection of the public revenue, in the provinces of Bengal, Behar, and Orissa; who are accordingly to be nominated by the collectors, and approved by the Board of Revenue. (*n*) It is hereby further declared, that an order of government shall be sufficient without a new Regulation, to extend the provisions of this Regulation to any offices now subsisting, or which may be hereafter instituted, in the judicial, revenue, or commercial departments, or in the departments of salt, opium, and customs, though not within the exact denomination of the offices described in this Regulation.

The rules contained in the four preceding sections declared applicable to the native commissioners; and khazanchees of the collectors; in addition to and in amendment of the rules now in force for their appointment and removal; also meant to include the tehseeldars of the revenue in Bengal, Behar, and Orissa.

An order of government sufficient to extend the provisions of this Regulation to other offices not particularly described therein.

(*l*) Modified by Regulation VIII, of 1809, and Regulation XVII, of 1815, Section VII. See the explanation given of the modification made by those Regulations, in Note (*b*) to Section IV of this Regulation. In addition to the chief superintending authorities named in these sections, the Commissioner in Behar and Benares is to be included, and also the Board of Commissioners for the Upper Provinces; the former constituted by Regulation I, of 1816, whose authority extends over the province of Benares and that part of the province of Behar comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot, and the latter constituted by Regulation X, of 1807, and declared permanent by Regulation I, of 1809.

(*m*) Rescinded by Regulation XXIII, of 1814, Section II. The appointment, removal, or suspension, of the native Commissioners for the trial of civil suits, rests with the zillah and city judges, subject to the approval or confirmation of the Provincial Courts of Appeal. See Sections VI, VIII, IX and LXVII, of that Regulation.

(*n*) Or by the Commissioner in Behar and Benares, if within his jurisdiction. See Regulation I, of 1816.

Public officers herein specified, to submit statements of present authorized establishments, and to nominate persons to fill any vacancies.

XX. On receipt of this Regulation, the several authorities referred to in it, who are respectively subordinate to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or to the Boards of Revenue and Trade, shall transmit to those courts, and boards, a complete statement of their establishments as now authorized by government; and of the establishments of all officers acting under them who are paid by government: specifying the number, and fixed allowances of the native officers actually employed, and the names of those whose salaries or other allowances amount to ten rupees per mensem; with the dates of their appointments. In the event of the stations of any officers of this description being now vacant, and of its being requisite for the public business to fill such vacancies, they shall, at the same time, nominate proper persons for this purpose, in conformity with Sections IX, and XVIII, of this Regulation.

Statements to be forwarded to civil auditor; and reports to be made by that office.

The statements so transmitted shall be forwarded, as received, to the civil auditor; who shall compare them with the authorized establishments, and report any deviations, through the proper channel, for the orders of the Governor General in Council; after obtaining which, the names of the officers actually employed, and receiving the allowance specified, shall be entered in the book of civil establishments

Future removals and appointments to be communicated to the civil auditor by the register to the Sudder Dewanny Adawlut, and Nizamut Adawlut, and by the secretaries to the Boards of Revenue and Trade.

XXI. Any future removals and appointments of the native officers described in this Regulation, and receiving an allowance of ten rupees per mensem, or upwards, which may be sanctioned by the Governor General in Council, or by the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or the Boards of Revenue and Trade, *(o)* shall also be communicated to the civil auditor by the register to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and by the secretaries to the Boards of Revenue and Trade, for the purpose of making the requisite alteration in the book of civil establishments. *(o)*

The authorities specified in this Regulation to insert in all detailed statements of establishments required with their accounts, the names of all native officers receiving a salary of ten rupees or upwards.

XXII. The several authorities and officers referred to in this Regulation, *(p)* who may hereafter have accounts to render to the accountant general, or to the accountants in the judicial, revenue, and commercial departments, or to the civil auditor, which, by the rules and orders now in force, or by such as may be passed in future are, or may be, required to be accompanied with detailed statements of the establishments of native officers, shall uniformly insert, in such statements, the names of the native officers actually employed, and receiving

(o) Or by the Commissioner in Behar and Benares, or by the Board of Commissioners for the Upper Provinces. The communication required to be made to the Civil Auditor by the latter part of this section, is likewise to be made by the secretaries to those authorities. By Regulation VIII, of 1809, Section XI, Clause II, the Provincial Courts of Appeal and Circuit are required to transmit to the Civil Auditor a monthly report of any appointments or removals which they may sanction under that Regulation, either of the native officers on their own establishments, or of those on the establishments of the zillah and city courts, civil and criminal.

(p) Including the Commissioner in Behar and Benares and the Board of Commissioners in the Upper Provinces.

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an allowance of ten rupees per mensem, or upwards; as sanctioned by the Governor General in Council, or by the Sudder Dewanny Adawlut, and Nizamut Adawlut, or by the Board of Revenue, or Trade, under the provisions contained in this Regulation. (q)

Officers of government specified, prohibited from making any alteration in the fixed distribution of the salaries of native officers, or in their number and designation, without the sanction of government.

XXIII. The several officers of government in the judicial, revenue, and commercial departments, and in the departments of salt, opium, and customs, who are already restricted by their official oaths, or by the known declarations and orders of government, from deriving any personal advantage whatever from their fixed establishments of native officers, are further hereby positively prohibited from making any alteration whatever in the distribution of the salaries of such officers, or in the number and designation of the several descriptions of native officers, which now compose, or may hereafter compose, their authorized establishments, without the express sanction of the Governor General in Council. (r)

Public officers referred to declared not to be hereditary; and may at any time be abolished by government.

XXIV. Nothing in this Regulation shall be construed to establish a claim of inheritance to any public office whatever; or to prevent the abolition of any such office, by order of the Governor General in Council, whenever he may judge it unnecessary to continue the same for the public service.

Inconvenience experienced from bringing to the Presidency, all persons concerned in the collection of the revenues for the purpose of taking the oath prescribed by the statute 33, Geo. III, Cap. 52.

XXV. By Section III, Regulation II, 1793, it is enacted, that the collectors of the public revenue, previously to entering upon the execution of the duties of their offices, shall take the oath prescribed by Act of Parliament for servants of the Company employed in the management or collection of the revenue, before one of the judges of the Supreme Court of Judicature. But it has in many cases been found inconvenient to bring the persons so employed, from their stations to the presidency, for the purpose of taking the oath prescribed by the Statute 33, Geo. III. Cap. 52, before one of the judges of the Supreme Court; and by the provision made in the said Statute, such oath may be administered by any person deputed or authorized for this purpose by an order of the Governor General in Council. It is therefore hereby declared, in modification of Section III, Regulation II, 1793, that whenever it may be requisite to administer to any person employed in the management or collection of the revenue, the oath prescribed by the sixty-first section of the Statute aforesaid; the Governor General in Council will determine and direct, whether the same shall be taken before one of the judges of the Supreme Court of Judicature at Calcutta, or before such other per-

Governor General in Council will in future determine whether the oath shall be taken before a judge of the Supreme Court, or before

(q) Including the Commissioner in Behar and Benares and the Board of Commissioners in the Upper Provinces.

(r) The latter part of this section, inconsequence of the modification which the provisions of this Regulation have generally undergone, can only apply to the law officers of the Sudder Dewanny and Nizamut Adawluts, whose appointment, removal, or suspension, is reserved to the Governor General in Council. The several boards and courts vested with the power of appointing, removing, or suspending native officers, are, of course, to exercise their discretion with respect to making any alteration in the distribution of the salaries of such officers, or with respect to their number and designation, with reference to the interests of the publick, without the authority or reference of the Governor General in Council.

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such other person as may be authorized.
Rule to be observed when the oath may not be taken before one of the judges of the Supreme Court.

son as may be authorized by an order of government for this purpose. It shall however be observed, as an invariable rule, whenever the oath in question may be taken before any other person than one of the judges of the Supreme Court, to transmit the same, duly subscribed, and attested, to the register to the Sudder Dewanny Adawlut, for the purpose of being recorded in that court.

Form of oath.

XXVI. The following is the form of the oath which is to be taken by the persons employed in the collection of the public revenue:

" I————————, do promise and swear, that I will, to the utmost of my endeavours, well and faithfully execute and discharge the duties of an officer of revenue, reposed in and committed to me by the United Company of Merchants of England trading to the East Indies; and that I will not demand, take, or accept, directly or indirectly, by myself, or by any other person, for my use or on my behalf, of or from any rajah, zemindar, talookdar, polygar, farmer, renter, or ryot, or from any person, paying or liable to pay any tribute, rent or tax, to or for the use of the said United Company, any sum of money, or other valuable thing, by way of gift, present, or otherwise, over and above, or besides and except, the actual tribute, rent, or tax authorized to be taken by and for the use of the said United Company; and that I will justly and truly account for, answer, and pay all the rents, duties, and other revenues, and sums of money, which shall come to my hands, or to the hands of any person or persons in trust for or employed by me as an officer of the revenues of the said Company, unto the said United Company.

" So help me God."

A. D 1804. REGULATION VI.

A REGULATION *for rescinding Regulation XXXIX,* 1803*; for establishing rules for levying a duty on the importation and exportation of salt in the provinces ceded to the Honorable Company by the Nawaub Vizier, in the conquered provinces in the Dooab and on the right bank of the Jumna, and in the province of Benares; for reducing the rate of duty established by Clause VI, Section IV, Regulation VI,* 1801, *on the importation of Salumba and Balumba salt into the province of Benares; and for withdrawing the prohibition contained in Section VI, of that Regulation on the manufacture of salt within the province of Benares.*—PASSED *by the Governor General in Council, on the* 25*th of August* 1804; *corresponding with the* 11*th Bhadoon* 1211 *Bengal era; the* 4*th Bhadoon* 1211 *Fusly; the* 11*th Bhadoon* 1211 *Willaity; the* 5*th Bhadoon* 1861 *Sumbut; and the* 18*th Jumadee-ul-awul* 1219 *Higeree.*

WHEREAS a system was established, under date the 6th of November 1802, for deriving a revenue from the exclusive importation and sale of salt in the provinces ceded to the Honorable Company by the Nawaub Vizier; and a Regulation was passed, under date the 24th of March 1803, prescribing rules for preventing the illicit importation, manufacture, sale, or transportation of salt in those provinces: and whereas the acquisition of the provinces recently added to the dominions of the honorable East India Company in the north-west of Hindoostan, and other considerations, have rendered it expedient to adopt an alteration in the present system for obtaining a revenue from salt in the ceded provinces, and to pursue measures for regulating the importation and internal manufacture of salt in the ceded provinces, and in the conquered provinces in the Dooab and on the right bank of the Jumna, on principles which are adapted to the circumstances of the country. From these considerations, and for the purpose of restoring and encouraging the trade formerly carried on with the provinces abovementioned, by the exchange of salt for articles the produce or manufacture of the ceded provinces and other parts of the British territories, the following rules have been enacted; to be in force in the ceded provinces, in the conquered provinces in the Dooab and on the right bank of the Jumna, and in the province of Benares, (according as they relate to those provinces respectively) from the period of their promulgation. (s)

II. Regulation XXXIX, 1803, for preventing the illicit importation, manufacture, sale, or transportation of salt in the provinces ceded to the honorable Company by the Nawaub Vizier, is rescinded. Regulation XXXIX, of 1803, rescinded.

(s) Extended to the Purgunnahs of Sonk, Sonsa and Sahar, annexed to the zillah of Agra, by Regulation XII, of 1806, Section III.

III.

The exclusive privilege reserved by government of importing, manufacturing and selling salt in the ceded and conquered provinces, relinquished and discontinued.

III. The exclusive privilege reserved by government of importing and selling foreign salt in the ceded provinces, and in the conquered provinces in the Dooab and on the right bank of the Jumna, and of manufacturing and selling the salt produced within those provinces, is relinquished and discontinued: and no salt will be hereafter imported, manufactured, or sold, in the said provinces, by, or on account of, government. Provided, however, that the rule contained in this section, shall not be construed to prohibit the Governor General in Council from ordering the disposal of the salt now in the possession of government, and referred to in Section XI, of this Regulation.

Not, however, to be considered as a prohibition to the disposal of the salt now in the possession of government, and referred to in Section XI.

Permission granted to individuals to import and sell salt in the ceded and conquered provinces, on their own account, from and after the 1st of November next, subject to the payment of a duty to be hereafter determined.

IV. From and after the 1st day of November next, all persons (with the exceptions specified in the following section) will be permitted to import foreign salt, and salt produced in the conquered provinces on the right bank of the river Jumna belonging to the honorable Company, into any part of the ceded provinces, or of the conquered provinces within the Dooab, subject to the payment of a duty, the rate of which will be determined by a Regulation to be hereafter published; and to sell the same on their own account. (t) All salt of the above description which shall be imported into the ceded provinces, or into the conquered provinces within the Dooab, previously to the 1st day of November next, (with an exception to salt which may be imported in fulfilment of engagements already entered into with government, under rowannahs granted by the agent for the provision of foreign salt, and also with an exception to the salt which may be purchased of the honorable Company under Section XI of this Regulation,) and all salt of such description which shall be imported into those territories, subsequently to the date abovementioned, without having paid the established import duty, and without being accompanied by a rowannah from an officer of government duly authorized to grant the same, will be liable to seizure and confiscation. (v) Provision will be hereafter made for levying a duty on the importation of foreign salt into the conquered provinces on the right bank of the Jumna. (t)

Salt imported into the ceded or conquered provinces previously to the 1st of November, (except in fulfilments of engagements with government, or purchased of the Company under Section XI,) and salt imported subsequently to that date without having paid the established duty, or unaccompanied by a rowannah, liable to seizure and confiscation.

Provision will be hereafter made for levying the duty.

Europeans prohibited from trading in salt.

V. All Europeans (whether British subjects, or the subjects of a foreign state) are prohibited from trading in salt, directly or indirectly, in the ceded provinces, in the conquered provinces in the Dooab or on the right bank of the Jumna, or in the province of Benares, under pain of the seizure and confiscation of the salt belonging to them, and of being otherwise dealt with as the Governor General in Council shall judge proper.

Penalty incurred by acting contrary to this prohibition.

Salt imported into the ceded and conquered provinces, having paid the import duty, and salt manufactured therein,

VI. All salt which shall be imported into the ceded provinces, or into the conquered provinces in the Dooab, after having paid the regular import duty, and all salt manufactured within those territories, shall be exported therefrom into the reserved dominions

(t) See the rates of duty on salt, whether the produce of the British territories or of any foreign state, except salt purchased at the Company's sales, on the importation or transportation thereof into, or through, any part of the ceded and conquered provinces, in Regulation XVII, of 1810, Section II.

(v) See the extent of the penalty on the confiscation of salt, in Regulation XVII, of 1810, Sections III and IV.

dominions

dominions of the Nawaub Vizier, into the territory composing the Rampore Jaghire in Rohilcund, and into the hills bordering the province of Rohilcund and the zillah of Goruckpore, exempt from the payment of duty to the British government.

may be exported, to certain specified places, exempt from the payment of duty.

VII. All salt exported from the ceded provinces, or from the conquered provinces in the Dooab or on the right bank of the Jumna, into the territory of any foreign state, (with an exception to the countries specified in the foregoing section,) shall be subject to the payment of a duty, according to the rate which will be determined by a Regulation to be hereafter published, on being exported from the honorable Company's dominions. Salt attempted to be exported, contrary to this prohibition, without having paid the established export duty, will be liable to seizure and confiscation. *(u)*

All salt exported from the ceded or conquered provinces to the territory of any foreign state (with the exceptions specified in the foregoing section) subject to a duty, to be hereafter determined.

Penalty incurred by acting contrary to this prohibition.

VIII. The permission at present in force for the exportation of salt from the ceded provinces into the province of Benares, exempt from the payment of duty, is rescinded. *All salt which shall be imported into the province abovementioned, after the promulgation of this Regulation, from any part of the ceded provinces, or of the conquered provinces in the Dooab or on the right bank of the Jumna, shall be subject to the payment of the same duty as is to be levied on the importation of foreign salt into the said province through other channels, under Section XVII of this Regulation; viz: one sicca rupee per maund of eighty sicca weight to the seer. Salt imported, or attempted to be imported, into the province of Benares, contrary to the above prohibition, will be liable to seizure and confiscation. (w)*

The permission in force for exporting salt from the ceded provinces into the province of Benares free of duty, rescinded. Salt imported into the province of Benares, from the ceded and conquered provinces, subject to the same duty as is to be levied on foreign salt imported into the said provinces, as specified in Section XVII.

IX. The prohibition at present in force against exporting salt from the province of Benares into the ceded provinces is abolished. Permission is granted to export salt from the province of Benares into any part of the ceded provinces, on the payment of the same rate of duty as will be levied on the importation of salt into the ceded provinces, and into the conquered provinces in the Dooab, through other channels, with the exception specified in the following section. Salt imported into the ceded provinces (with the said exception.) from the province of Benares, after the promulgation of this Regulation, without having paid the established duty *(x)* will be liable to seizure and confiscation.

The prohibition in force against exporting salt from the province of Benares abolished; and permission granted for exporting salt therefrom into the ceded provinces, on the payment of the same duty as is to be levied on the importation of salt through other channels.

Exception.

Salt imported from the province of Benares without having paid the established duty liable to confiscation.

X. Permission is granted to export salt from the province of Benares into the zillah of Goruckpore, exempt from the payment of duty.

Salt imported from the province of Benares into the district of Goruckpore, exempt from the payment of duty.

(u) See the extent of the penalty on the confiscation of salt, in Regulation XVII, of 1810, Sections III, and IV. There appears to be no existing Regulation or rule, shewing the rates of duty to be levied on the *exportation* of salt from the ceded provinces, or from the conquered provinces in the Dooab, or on the right bank of the Jumna, into the territory of any foreign state.

(w) The parts of this section printed in Italics, are rescinded by Regulation IX of 1810, Section XVIII, Clause I. See the rates of duty to be levied on all salt, excepting salt purchased at the Company's sales at Calcutta, whether the produce of the British territories or of any foreign state, on the importation thereof into the province of Benares, in Regulation XVII, of 1810, Section II.

(x) And without being accompanied by a rowannah. See Regulation IX, of 1810, Section XVIII, Clause III. See also the extent of the penalty on the confiscation of salt, in Regulation XVII, of 1810, Sections III and IV. Also the note to Section IV, of this Regulation.

XI.

Salt which has been provided by government how to be disposed of.

XI. All the salt which has been provided by government, for the consumption of the inhabitants of the ceded provinces and the adjacent countries, in the present season, shall be disposed of in such manner as the Governor General in Council shall direct.

Such salt, stored on the right bank of the Jumna, or in the conquered provinces, to be sold under mauffee rowannahs.

By whom to be granted.

Specification of the rowannah.

XII. Salt of the description specified in the foregoing section, which may be stored in depôts, situated on the right bank of the Jumna, or in the conquered provinces in the Dooab, shall be sold under mauffee rowannahs, to be granted by the officer in charge of the depôt in which the salt may be stored, authorizing the purchaser of such salt to transport the same throughout the conquered provinces in the Dooab and the ceded provinces, exempt from the payment of duty. It is, however, declared, that all such salt, whether sold within the conquered provinces in the Dooab or on the right bank of the Jumna, or within the ceded provinces, shall be subject to the payment of the established duty, on being exported from the territories abovementioned into the province of Benares, or into the territory of a foreign state.

Such salt, however, declared liable to the payment of duty on being exported from the ceded or conquered provinces into the province of Benares, or into the territory of a foreign state.

All salt, the property of individuals, stored in the conquered provinces, at the time of the promulgation of this Regulation, permitted to be passed throughout the ceded and conquered provinces, free of duty.

XIII. Permission is granted to transport all salt, the property of individuals, which shall be deposited within the conquered provinces in the Dooab at the time of the promulgation of this Regulation, throughout those provinces and the ceded provinces, exempt from the payment of duty.

Under whose management the nimmuck saur mehals in the ceded and conquered provinces are to be placed.

XIV. With the exception specified in the following section, the nimmuck saur mehals in the ceded provinces, and in the conquered provinces in the Dooab and on the right bank of the Jumna, shall be placed under the management of the officers in charge of the collection of the land revenue of those territories, until the expiration of the current Fusly year. From the commencement of the ensuing Fusly year, the assessment of such mehals shall be added to the jumma of the zemindars or farmers in whose estates or farms the mehals may be situated, and with whom the settlement may be made. In the event of any zemindar or farmer declining to accede to an annexation to his jumma of the above nature, the collector will adopt proper measures for realizing the revenues of such mehals, on account of government, agreeably to the former usages and customs of the country.

How to be assessed.

Collector to let in farm the lands, pits, or lakes in the ceded or conquered provinces, from which salt is produced in considerable quantity.

XV. In instances in which salt may be manufactured to a considerable extent, in any part of the ceded provinces, or of the conquered provinces in the Dooab or on the right bank of the Jumna, the collector shall let in farm the lands, pits, or lakes, from which the salt is produced, from the commencement of the ensuing Fusly year, for a period of time not exceeding the term of the ensuing settlement of the land revenue. Whenever a collector shall be unable to let places of the above description in farm, on fair and reasonable terms, he will adopt proper measures for realizing the revenues of the same, on account of government. Places

Collector how to proceed when unable to let such places in farm on fair and reasonable terms.

of

of the description above specified shall remain under the management of the collector, until the expiration of the present Fusly year.

Such places to remain under charge of the collector till the expiration of the present Fusly year.

XVI. *No tax or duty will be levied on the sale of salt in the ceded provinces, or in the conquered provinces in the Dooab, after having paid the established import duty to the collector of the customs.* (*y*) In like manner, no tax or duty will be levied on the sale of the salt which may be within those territories at the time of the promulgation of this Regulation. The sale of salt in the conquered provinces on the right bank of the Jumna shall remain, for the present, subject to the usages observed under the former government, respecting the sale of that article.

No tax will be levied on the sale of salt in the ceded or conquered provinces, after having paid the import duty.

The sale of salt in the conquered provinces on the right bank of the Jumna to remain for the present, subject to the usages observed under the former government.

XVII. (*z*) The rate of duty on the importation of Salumba and Balumba salt into the province of Benares is hereby fixed at one rupee per maund of eighty sicca weight to the seer, instead of two rupees four annas per maund, as stated in Clause Sixth, Section IV, Regulation VI, 1801.

Fixing the rate of duty to be levied on the importation of Salumba and Balumba salt into the province of Benares.

XVIII. Section VI, Regulation VI, 1801, is hereby rescinded. The provisions contained in the following sections of that Regulation for preventing the illicit manufacture, transportation, and sale of salt, are not accordingly to be considered to be applicable to salt manufactured within the province of Benares.

Section VI, Regulation VI, 1801, rescinded.

XIX. Nothing contained in the present Regulation shall prevent the seizure and confiscation of salt which may have been illicitly imported into the ceded provinces, prior to the promulgation of this Regulation.

Nothing herein contained to prevent the seizure of salt illicitly imported into the ceded provinces prior to the promulgation of this Regulation.

(*y*) The part in Italics, are superseded by Regulation X, of 1810, Section III, Clause 2. A town duty is leviable on salt, excepting salt purchased at the Company's sales at Calcutta, on importation into the principal towns in the ceded and conquered provinces, for store, sale, or consumption. The rates of town duty are also specified in that clause.

(*z*) Rescinded by Regulation IX of 1810, Section XVIII, Clause 1.

A. D. 1804. REGULATION VII.*

A REGULATION *for determining the rates of duty to be levied, under Sections IV and VII, Regulation VI,* 1801, *on the importation and exportation of salt in the provinces ceded to the Honorable Company by the Nawaub Vizier, and in the conquered provinces situated within the Dooab and on the right bank of the river Jumna.*—Passed *by the Governor General in Council, on the* 15*th October* 1804; *corresponding with the* 1*st Kartick* 1211 *Bengal era; the* 26*th Assin* 1212 *Fusly; the* 1*st Kartick* 1212 *Willaity; the* 11*th Assin* 1861 *Sumbut; and the* 10*th Rejeb* 1219 *Higeree.*

WHEREAS it is enacted by Section IV, Regulation VI, 1801, that, from and after the first day of November 1804, the importation of foreign salt, and of salt produced within the conquered provinces situated on the right bank of the river Jumna belonging to the Honorable Company, into the ceded provinces, or into the conquered provinces situated within the Dooab, shall be subject to the payment of a duty to be determined by a future Regulation: And whereas it is enacted by Section VII of the Regulation aforesaid, that salt exported from the ceded provinces, or from the conquered provinces situated within the Dooab or on the right bank of the river Jumna, into the territory of any foreign state (with an exception to the countries specified in Section VI of the said Regulation,) shall be subject, on it's exportation from the dominions of the Honorable Company, to the payment of a duty to be determined by a future Regulation. The following rules are accordingly enacted; to be in force in the ceded provinces, and in the conquered provinces situated within the Dooab and on the right bank of the river Jumna, from and after the first day of November next.

Rate of duty to be levied on the importation of salt under Regulation VI, 1804.

II. From and after the 1st day of November next, all foreign alimentary salt, and all alimentary salt produced within the conquered provinces situated on the right bank of the river Jumna belonging to the Honorable Company, of whatever description, which shall be imported into the ceded provinces, or into the conquered provinces situated within the Dooab, under Regulation VI, 1804, shall be subject, on it's importation into those provinces, to the payment of a duty to government, at the rate of twelve annas per maund, each seer of the said maund to weigh eighty sicca rupees.

Rate of duty to be levied on the exportation of salt under Regulation VI, 1804.

III. All alimentary salt, of whatever description, which shall be exported from the ceded provinces, or from the conquered provinces situated within the Dooab or on the right bank of the river Jumna, under Regulation VI, 1804, into the territory of

* The whole of this Regulation is rescinded by Regulation IX, of 1810, Section XVIII.

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any foreign state, (with an exception to the countries specified in Section VI of the Regulation abovementioned) shall be subject, on it's exportation from the dominions of the Honorable Company into such foreign territory, to the payment of a duty to government, at the rate of four annas per maund, each seer of the said maund to weigh eighty sicca rupees.

A. D. 1804. REGULATION VIII.

A REGULATION *for transferring the zillahs of Allahabad and Goruckpore from the Division of the Provincial Court of Appeal and the Court of Circuit for the Division of the Provinces ceded to the Honorable the English East India Company by the Nawaub Vizier ; and for annexing those Zillahs to the Division of the Provincial Court of Appeal and the Court of Circuit for the Division of Benares.*—PASSED *by the Governor General in Council, on the* 27*th of November* 1804 ; *corresponding with the* 14*th Aughon* 1211 *Bengal era ; the* 10*th Aughon* 1212 *Fusly ; the* 14*th Aughon* 1212 *Willaity ; the* 11*th Aughon* 1861 *Sumbut ; and the* 23*d Shabon* 1219 *Higeree.*

WHEREAS the distance between the stations of the magistrates of the zillahs of Allahabad and Goruckpore, and the station of the court of circuit for the division of the provinces ceded to the honorable the English East India Company by the Nawaub Vizier, has occasioned considerable delay and inconvenience in holding the general jail deliveries for the several zillahs included in the said division ; And whereas the administration of justice within the said zillahs, both in civil and criminal cases, will be greatly expedited and facilitated by the transfer of those zillahs to the division of Benares ; the following rules are enacted, to be in force from the date of their promulgation.

II. The zillahs of Allahabad and Goruckpore shall be transferred from the jurisdiction of the provincial court of appeal and the court of circuit for the division of *the provinces ceded to the honorable the English East India Company by the Nawaub Vizier,*(a) and shall be annexed to the jurisdiction of the provincial court of appeal and the court of circuit for the division of Benares.

The zillahs of Allahabad and Goruckpore, transferred from the jurisdiction of the division of the ceded provinces, and annexed to the jurisdiction of the division of Benares.

III. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the provincial court of appeal and the court of circuit, for the division of Benares, the judges and magistrates, and the collectors of the revenue, in the zillahs of Allahabad and Goruckpore, the commercial residents, and all other officers in those zillahs, and the Boards of Revenue and Trade, (b) shall be guided, in their decisions and proceedings, and in all matters, relating to the said zillahs, by the Regulations which have been, or shall be, enacted in conformity to the rules prescribed in Regulation I, 1803, for the internal government of the provinces ceded by the Nawaub Vizier to the honorable the English East India Company.

The courts of justice, the Boards of Revenue and Trade, and all other officers, to be guided, in all matters relating to the zillahs aforesaid, by the Regulations which have been or shall be enacted for the internal government of the ceded provinces.

(a) Substitute the word " Barrelly" instead of all the words printed in Italics, the denomination of the division or jurisdiction having been thus changed by Regulation IX, of 1804, Section II.

(b) These Boards have no jurisdiction in the province of Benares ; all their respective duties and powers have been vested in the Commissioner appointed by Regulation I, of 1816.

A. D. 1804. REGULATION IX.

A REGULATION *for altering the denomination of the Court of Circuit and the Provincial Court of Appeal for the division of the ceded provinces; for the administration of justice, in criminal cases, in the conquered provinces in the Dooab, and on the right bank of the river Jumna, and in the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah.*—PASSED *by the Governor General in Council, on the 14th December 1804; corresponding with the 1st Poos 1211 Bengal era; the 27th Aughon 1212 Fusly; the 1st Poos 1212 Willaity; the 27th Aughon 1861 Sumbut; and the 11th Ramzan 1219 Higeree.*

WHEREAS certain territories, forming part of the Dooab, or country situated between the rivers Ganges and Jumna, and on the right bank of the river Jumna, have been ceded to the English East India Company, in full sovereignty, by Dowlut Rao Scindiah; and whereas certain territories, forming part of the province of Bundlecund, and situated on the right bank of the river Jumna, have been ceded to the English East India Company, in full sovereignty, by the Peishwah; and whereas it is necessary, for the security of the persons of the inhabitants of the said territories, and of certain contiguous territories, which have been acquired by the British government, to provide for the administration of justice, in criminal cases, in the territories and districts aforesaid; and whereas it hath been the ancient usage in the said territories to administer justice, in such cases, according to the Mahomedan law; and whereas it hath been deemed advisable to continue the said law, with such modifications of it as have been adopted for the administration of justice, in criminal cases, in the provinces ceded to the English East India Company by the Nawaub Vizier; and whereas it is necessary, that the said territories be divided into separate zillahs, and that certain purgunnahs, separated from the zillahs of Etawah and Moradabad, and annexed to the zillah of Allyghur, be excepted from the operation of that part of the present Regulation, prescribing the periods of time from which the said Regulation shall be in force; and whereas it hath been deemed advisable to alter the denomination of the court of circuit and provincial court of appeal for the division of the ceded provinces; the Governor General in Council hath been pleased to enact the following rules, which shall be in force from the date of their promulgation. (c)

II. That part of Section II, Regulation VII, 1803, which declares, that the court constituted for the trial of persons charged with crimes and misdemeanors in the pro- **The court of circuit for the division of the provinces ceded by the Na-**

(c) Extended to the Purgunnahs of Sonk, Sonsa and Sahar, forming a part of the zillah of Agra, by Regulation XII of 1806.

vinces

waub Vizier to the Honorable the English East India Company, to be hereafter denominated, the court of circuit for the division of Bareilly.

vinces ceded by the Nawaub Vizier to the English East India Company, shall be denominated "the court of circuit for the division of the provinces ceded by the Na- "waub Vizier to the Honorable the English East India Company," is hereby rescinded; and that court shall be hereafter denominated "the court of circuit for the "division of Bareilly."

The conquered territories in the Dooab, and on the right bank of the river Jumna, to be formed into five divisions: denominations of those divisions.

To be included in the Bareilly division.

III. The territories ceded to the English East India Company by Dowlut Rao Scindiah, situated within the Dooab, and on the right bank of the river Jumna, shall be formed into five divisions; to be denominated, the zillah of Panniput, (*d*) the northern and southern divisions of the zillah of Saharunpore, (*e*) the zillah of Allyghur, and the zillah of Agra. These zillahs shall be included in the division of the court of circuit for the division of Bareilly.

The territory in Bundlecund, ceded to the Honorable Company by the Peishwah, to be denominated the zillah of Bundlecund: to be included in the Benares division.

IV. The territory in Bundlecund, (*f*) situated on the right bank of the river Jumna, ceded to the English East India Company by the Peishwah, shall be included in the division of the court of circuit for the division of Benares; and shall be denominated the zillah of Bundlecund.

Two general jail deliveries to be held annually for the zillahs specified in Sections III and IV, by one of the judges of the Bareilly or Benares court of circuit respectively.

V. Two general jail deliveries shall be holden annually for the zillahs specified in Sections III and IV, by one of the judges of the courts of circuit for the divisions of Bareilly and Benares respectively, at such periods of time as the court of Nizamut Adawlut shall prescribe.

Court of circuit to be guided in its decisions and proceedings by the Regulations enacted conformably to Regulation I, 1803, for the administration of justice in criminal cases.

VI. The court of circuit shall be guided in it's decisions and proceedings by the Regulations which have been enacted, conformably to the rules prescribed in Regulation I, 1803, for the administration of justice, in criminal cases, in the provinces ceded to the English East India Company by the Nawaub Vizier, or which shall be hereafter enacted, agreeably to the forms prescribed by the said Regulation, for the administration of justice in the territories aforesaid, ceded to the East India Company by the Peishwah and Dowlut Rao Scindiah, or acquired by the British government.

A magistrate to be appointed to each of the zillahs specified in Sections III and IV, with the same powers as are vested in the magistrates in the provinces ceded to the Company by the Nawaub Vizier.

VII. A magistrate shall be appointed in each of the zillahs specified in Sections III and IV, who shall exercise the powers now vested in the magistrates of the zillahs in the provinces ceded to the English East India Company by the Nawaub Vizier, under the Regulations passed and published conformably to the rules prescribed in Regulation I, 1803, or such other powers as may be hereafter vested, by

(*d*) This zillah has undergone some alteration in name, as no mention is made of it after the present Regulation.

(*e*) By Regulation XIV of 1806, the separate jurisdiction of the dewanny adawlut of the northern division of Saharunpore was abolished, and the jurisdiction of that court incorporated with the jurisdiction of the dewanny adawlut of the southern division of Saharunpore; but, at present, one of those divisions (probably the northern) is termed the zillah of Merut, and the other, the zillah of Saharunpore; each having separate civil and criminal jurisdictions.

(*f*) Certain territories and jaghires, situated on the borders of this zillah, of which a list is given in Regulation XXII of 1812, have been exempted from the operation of the general Regulations; and certain lands, which formerly composed a part of the jaghire of the killadar of Callenger, have been annexed to this zillah, wherein the Regulations and Laws established for the internal administration of Bundlecund, are to have full force and effect. See Regulation XXII of 1812.

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any Regulation so passed and published, in the magistrates of the zillahs included in the territories ceded to the English East India Company by the Peishwah and Dowlut Rao Scindiah, or acquired as aforesaid.

The Governor General in Council competent, by an order in Council, to make alterations in the limits of the zillahs aforesaid, or to form additional zillahs of the territories in question.

VIII. It shall be competent for the Governor General in Council, by an order in council, to make any alteration in the limits of the zillahs specified in the preceding sections, or to make any annexations to the said zillahs, or separations from them, which shall hereafter appear to him to be advisable, or to form any part of the territories aforesaid into additional zillahs.

Magistrates to have charge of the police, and to station darogahs of police where necessary.

IX. The magistrates shall have the charge of the police of the country; and shall station darogahs of police in those parts of their respective zillahs, in which the aid of such officers shall be necessary for the maintenance of the peace of the country, in the same manner as the magistrates in the provinces ceded to the English East India Company by the Nawaub Vizier are empowered to nominate darogahs of police within their respective zillahs. The magistrates shall be guided by the Regulations, now in force, regarding the police in the provinces ceded to the English East India Company by the Nawaub Vizier, or such other Regulations, applicable to their respective zillahs, as may be hereafter enacted: (g) provided, however, that this Regulation shall not be construed to exonerate the zemindars, farmers, or other holders of lands, in the said zillahs, from the duties and responsibility imposed on them by the terms of their existing engagements, or by the ancient and established usages of the country, which may not have been superseded by such engagements, or by an order of a competent authority, for the prevention of robberies and other disorders, and for the maintenance of peace and good order within their respective limits. Such zemindars, farmers, and other holders of lands, shall continue to perform such duties, and be liable to such responsibility, notwithstanding any thing which may be said to the contrary in any Regulation enacted previously to the date of this Regulation.

All existing and future Regulations regarding the police within the provinces ceded to the Company by the Nawaub Vizier, considered to extend to the territories aforesaid, unless specially excepted.

This Regulation not to exonerate the zemindars, &c. in the said territories from the duties and responsibility imposed on them by the terms of their tenures and the usages of the country.

The magistrate of Bundlecund to exercise the duties of police, under the superintendance of the commissioners in that province, who are also to exercise the powers of magistrates.

The appointment of darogahs of police by the magistrate of Bundlecund to be subject to the sanction of the commissioners.

X. The magistrate of the zillah of Bundlecund, shall exercise the duties of the police of the zillah under the superintendence of the commissioners appointed to superintend the administration of the affairs of that zillah, who are likewise hereby authorized, jointly and severally, to exercise the powers of magistrates throughout the limits of the zillah. The appointment of darogahs of police, by the magistrate of the zillah of Bundlecund, shall be subject to the sanction of the commissioners. (h)

(g) See the provisions of Regulation XIV of 1807, amending the system of police established in the provinces within the divisions of the Benares and Barrelly provincial courts of appeal and circuit.

(h) This section may be taken as not in force, the Commissioners alluded to in it, have been divested of their commissions, and the magistrates are authorized to appoint the police officers under them, without reference to other authority but, are required to report to the superintendants of police, the death, resignation, removal or appointment of cutwals and police darogahs. See Regulation XVII of 1816, Sections VII and IX.

Magistrates of the zillahs specified in Section III, and the Bareilly court of circuit, not to take cognizance of crimes committed previously to the 30th December 1803.

XI. This Regulation shall not be construed to empower the magistrates of the zillahs specified in Section III, or the court of circuit for the division of Barreilly, to take cognizance of any crimes or offences committed previously to the 30th of December 1803,(i) the date of the treaty concluded between the British government and Dowlut Rao Scindiah, by which the territories included in those zillahs were ceded to the honorable the English East India Company; nor to empower the magistrate of the zillah of Bundlecund, or the court of circuit for the division of Benares, to take cognizance of any crimes or offences committed previously to the 16th of December 1803,(j) the date when the article was added to the treaty concluded at Bassein, between the British government and the Peishwah, by which certain territory in Bundlecund was ceded to the honorable the English East India Company; nor to empower any of the magistrates or courts of circuit aforesaid to take cognizance of any crimes or offences committed in the territories acquired by the British government as aforesaid, previously to the date of their acquisition; nor to empower the court of circuit for the division of Bareilly, or the court of circuit for the division of Benares, or the Nizamut Adawlut, to pass any sentence on persons convicted of crimes or offences committed between the aforesaid dates (according as the crimes and offences shall be committed within the zillahs respectively to which the said dates are declared to apply) and the date of the promulgation of this Regulation, excepting the sentence to which such persons would have been subject under the Mahomedan law, as it prevailed within the limits of the said zillahs, during the aforesaid period; provided, however, that in cases in which the said sentence shall not extend to life or limb, or to imprisonment for life, the court of circuit, in the event of the charge being proved to it's satisfaction, shall be at liberty to direct the said sentence to be carried into execution, or to mitigate the punishment to such extent as it shall deem proper, on a consideration of the circumstances of the case; and provided also, that in cases, in which the said sentence shall extend to the loss of a limb or limbs, the court of circuit, provided the charge shall be proved to it's satisfaction, shall be at liberty to commute the sentence, when it shall adjudge the prisoner to lose two limbs, for imprisonment and hard labour for fourteen years, and to commute the sentence, when it shall adjudge the prisoner to lose one limb, for imprisonment and hard labour for seven years; directing the sentence to be carried into execution, or mitigating the punishment to such extent as it shall judge proper, on a consideration of the circumstances of the case; and provided likewise, that in cases in which the sentence shall adjudge the prisoner to suffer the punishment of death, or of imprisonment for life, or the court of circuit shall disapprove of any part of

Magistrate of Bundlecund, and the Benares court of circuit, not to take cognizance of crimes committed previously to the 16th December 1803.

What sentences may be passed on persons convicted of crimes committed between the dates above specified and the promulgation of this Regulation.

Court of circuit empowered to order such sentences to be carried into execution in certain cases;

And to commute sentences which shall extend to the loss of a limb or limbs for imprisonment and hard labour for limited periods of time.

Court of circuit to report to the Nizamut Adawlut in cases where

(i) Or the 17th April, 1805, in the Purgunnahs of Sonk, Sonsa and Sahar, annexed to the zillah of Agra. See Regulation XII of 1806. Section IV.

(j) Or the 19th June, 1812, in the lands which formerly composed a part of the jaghire of the killadar of Callenger, and now annexed to the zillah of Bundlecund. See Regulation XXII of 1812, Section IV.

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the proceedings held on the trial, or of the futwah delivered by the law officers, the proceedings of the court of circuit, with the opinion of the court on the merits of the cases so referred, shall be transmitted to the Nizamut Adawlut, which court, if the charge shall have been proved against the prisoner to it's satisfaction, shall direct such punishment to be carried into execution, or commute, or mitigate the same, *or recommend the prisoner to the Governor General in Council for mercy,(k)* according as shall appear to the court to be proper, on a consideration of the circumstances of the case.

such sentences shall adjudge the prisoner to suffer death or imprisonment for life, or where the court of circuit shall disapprove of the proceedings or the futwah.

Nizamut Adawlut to confirm such sentences, to commute or mitigate the same, or to recommend the prisoner to the Governor General in Council for mercy, according as the court shall judge proper.

XII. The dates prescribed in Section XI, for the retrospective operation of this Regulation, shall not be construed to extend to certain purgunnahs, separated from the zillahs of Moradabad and Etawah, and annexed to the zillah of Allyghur, conformably to the orders passed by the Governor General in Council, under date the 27th of November 1804. The date prescribed in Section XXXIV, Regulation VI, 1803, respecting the cognizance of crimes, or offences committed in the provinces ceded by the Nawaub Vizier to the English East India Company, shall be considered to be still applicable to those purgunnahs.

The dates prescribed in Section XI, not to be applied to certain purgunnahs separated from Moradabad and Etawah, and annexed to Allyghur:

The date specified in Section XXXIV, Regulation VI, 1803, to be still applicable to those purgunnahs.

(k) Rescinded by Regulation XIV of 1810, Section II. The Nizamut Adawlut are authorized to mitigate, commute, or remit sentences, without the sanction of the Governor General in Council.

A. D. 1804. REGULATION X.

A REGULATION *for declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State, by the sentence of Courts Martial.*—PASSED *by the Governor General in Council, on the* 14*th December* 1804; *corresponding with the* 1*st Poos* 1211 *Bengal era; the* 27*th Aughon* 1212 *Fusly; the* 1*st Poos* 1212 *Wallaity; the* 27*th Aughon* 1861 *Sumbut; and the* 11*th Ramzan* 1219 *Higeree.*

WHEREAS during wars in which the British government has been engaged against certain of the native powers of India, certain persons owing allegiance to the British government have borne arms, in open hostility to the authority of the same, and have abetted and aided the enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said government; and whereas it may be expedient that, during the existence of any war in which the British government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the government, in any part of the British territories, subject to the government of the presidency of Fort William, the Governor General in Council should declare and establish martial law, within any part of the territories aforesaid, for the safety of the British possessions, and for the security of the lives and property of the inhabitants thereof, by the immediate punishment of persons owing allegiance to the British government, who may be taken in arms, in open hostility to the said government, or in the actual commission of any overt act of rebellion against the authority of the same, or in the act of openly aiding and abetting the enemies of the British government, within any part of the territories above specified; the following Regulation has been enacted by the Governor General in Council, to be in force, throughout the British territories immediately subject to the government of the presidency of Fort William, from the date of it's promulgation.

The Governor General in Council, in time of war, or during the existence of rebellion, empowered to suspend, or to direct any public authority or officer to suspend, the functions of the ordinary criminal courts of judicature, in any district, city, or other place within the British territories, and to establish martial law therein;

II. The Governor General in Council is hereby declared to be empowered to suspend, or to direct any public authority, or officer, to order the suspension of, wholly or partially, the functions of the ordinary criminal courts of judicature, within any zillah, district, city, or other place, within any part of the British territories, subject to the government of the presidency of Fort William, and to establish martial law therein, for any period of time, while the British government in India shall be engaged in war with any native or other power; as well as during the existence of open rebellion against the authority of the government, in any part of the

territories

And to direct the immediate trial, by courts martial, of all persons, owing allegiance to the British government, who shall offend against this Regulation.

territories aforesaid: and also to direct the immediate trial, by courts martial, of all persons owing allegiance to the British government, either in consequence of their having been born, or of their being resident, within it's territories, and under it's protection, who shall be taken in arms, in open hostility to the British government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the state, or in the act of openly aiding and abetting the enemies of the British government, within any part of the said territories.

Persons owing allegiance to the British government who shall be convicted, by the sentence of a court martial, of any of the crimes specified in the foregoing section, shall be liable to the immediate punishment of death;

III. It is hereby further declared, that any person born, or residing, under the protection of the British government, within the territories aforesaid, and consequently owing allegiance to the said government, who, in violation of the obligations of such allegiance, shall be guilty of any of the crimes specified in the preceding section, and who shall be convicted thereof, by the sentence of a court martial, during the suspension of the functions of the ordinary criminal courts of judicature and the establishment of the martial law, shall be liable to the immediate punishment of death, and shall suffer the same accordingly, by being hung by the neck till he is dead. All persons who shall, in such cases, be adjudged, by a court martial, to be guilty of any of the crimes specified in this Regulation, shall also forfeit to the British government all property and effects, real and personal, which they shall have possessed within it's territories, at the time when the crime of which they may be convicted shall have been committed.

And to the forfeiture of their property and effects.

The Governor General in Council not precluded by this Regulation, from causing persons, charged with any of the offences described in it, to be brought to trial before the ordinary courts of justice, or before any special court.

IV. The Governor General in Council shall not be precluded, by this Regulation, from causing persons charged with any of the offences, described in the present Regulation, to be brought to trial, at any time, before the ordinary courts of judicature, or before any special court appointed for the trial of such offences, under Regulation IV, 1799, and Regulation XX, 1803, instead of causing such persons to be tried by courts martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.

A. D. 1804. REGULATION XI.*

A REGULATION *for rescinding Regulation XXXVIII,* 1803, *and for providing rules for the collection of the government customs, in the provinces ceded to the Honorable the English East India Company by the Nawaub Vizier; and in the conquered provinces, situated within the Dooab and on the right bank of the river Jumna; including the territory in Bundlecund, ceded to the Honorable the English East India Company by the Peishwah.*—PASSED *by the Governor General in Council, on the* 14*th December* 1804; *corresponding with the* 1*st Poos* 1211 *Bengal era; the* 27*th Aughun* 1212 *Fusly; the* 1*st Poos* 1212 *Willaity; the* 27*th Aughun* 1861 *Sumbut; and the* 11*th Ramzan* 1219 *Higeree.*

WHEREAS it is provided, in the first Article of the Proclamation published by the Honorable the late Lieutenant Governor and the Board of Commissioners in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, under date the 14th day of July 1802, relative to the settlement of the revenue in the said provinces, that, from the commencement of the year 1210 Fusly, the sayer of every denomination shall be separated from the mâl, or land revenue, and that a settlement shall be concluded for the land revenue only: And whereas an arrangement, subject to the approbation of the Governor General in Council, was adopted by the late provisional government in the provinces aforesaid, under date the 9th of January 1803, abolishing, from the 1st of February 1803, all rahdarry or transit duties, formerly levied in the said provinces, and establishing, in lieu thereof, regular and defined customs or duties upon the imports and exports in those provinces: And whereas, by the abovementioned arrangement, provision was also made for the continuance of certain duties levied, on account of government, on goods and articles sold in the bazars and gunges in the aforesaid provinces: And whereas, by Regulation XXXVIII, 1803, the provisional rules adopted, under the said arrangement, were enacted into a Regulation: And whereas it has been deemed to be advisable, that the Regulation enacted for the collection of the government customs in the ceded provinces, with certain exceptions, alterations, and amendments, shall be extended to the conquered provinces in the Dooab, and on the right bank of the river Jumna, and to the other territories on the right bank of the said river which have been added to the dominions of the English East India Company; the following rules have been accordingly enacted.

II. Regulation XXXVIII, 1803, for the abolition of all rahdarry or transit duties, in the provinces ceded by the Nawaub Vizier to the Honorable the English East In- **Regulation XXXVIII, 1803, rescinded.**

* The whole of this Regulation is rescinded by Regulation IX, of 1810, Section II.

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dia Company, and for the collection of the government customs, and the gunge duties, in the said provinces, is hereby rescinded.

All duties, under the denomination of sayer, and all other duties not authorized by this or any other Regulation, abolished in the provinces ceded by the Nawaub Vizier.

III. All duties levied, under the denomination of sayer, rahdarry, zemindarry, or any other denomination, which constitute a tax on the transport, export, or import of goods, or merchandize, of any description, through, from, or into the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company; and all other duties not authorized by this Regulation, or by any other Regulation which shall be hereafter enacted, and printed and published, in the manner prescribed by Regulation I, 1803; are hereby declared to be abolished.

All duties, under the denomination of sayer, and all other duties not authorized by this or any other Regulation, abolished in the provinces and territory, ceded by Dowlut Rao Scindiah and the Peishwah, in the Dooab and on the right bank of the Jumna, from and after the commencement of the year 1213 Fusly, with certain exceptions.

IV. All duties levied, under the denomination of sayer, rahdarry, zemindarry, or any other denomination, which constitute a tax on the transport, export, or import of goods, or merchandize, of any description, through, from, or into the territories ceded to the Honorable the English East India Company by Dowlut Rao Scindiah, situated within the Dooab (or country lying between the rivers Ganges and Jumna) and on the right bank of the river Jumna, (with the exception of the city of Delhi and the territory on the right bank of the Jumna, the revenues of which are assigned to His Majesty Shah Alum) and the territory in Bundlecund, situated on the right bank of the river abovementioned, ceded to the Honorable the English East India Company by the Peishwah, which shall not be authorized by this Regulation, or by any other Regulation which shall be hereafter enacted, and printed and published, in the manner prescribed by Regulation I, 1803; shall be abolished in the said territories, from the commencement of the ensuing Fusly year 1213.

Custom houses established in the several zillahs in the ceded and conquered provinces, for the collection of government customs on imports and exports.

V. Custom houses shall be established in the zillahs of Goruckpore, Allahabad, Cawnpore, Etawah, Furruckabad, Bareilly, and Moradabad; and also in the zillahs of Allyghur, Agra, in the northern and southern division of the zillah of Saharunpore, and in the zillah of Bundlecund; for the collection of the government customs, upon the importation and exportation of the articles hereafter specified, at the rates prescribed by this Regulation.

Competent to Governor General in Council, by an order in council, to suspend the operation of this Regulation, in certain cases, and to determine the places at which custom houses shall be established.

VI. It shall be competent to the Governor General in Council, by an order in council, to suspend the operation of the present Regulation in any of the zillahs in the conquered provinces in the Dooab, or in any of the zillahs, or in any portions of zillahs, situated on the right bank of the river Jumna, in the event of circumstances appearing to him to render it advisable to postpone the operation of the Regulation in any of the said zillahs, or portions of zillahs. It shall also be competent, at all times, to the Governor General in Council, by an order in Council, to determine the places at which the custom houses shall be established.

Places at which custom houses shall be established.

VII. The custom houses established, under this Regulation, for the collection of the government customs, shall be fixed in the cities of Allahabad, Furruckabad,

Bareilly

Bareilly and Agra, and in the towns of Goruckpore, Moradabad, Cawnpore, Etawah, Coel, Merut, and Saharunpore, and in the principal town in the zillah of Bundlecund.

VIII. *First.* The government customs, to be levied at the custom houses established by Section V, shall be levied by officers, to be severally denominated, collectors of the government customs in the zillahs of Etawah, Allahabad, Cawnpore, Furruckabad, Agra, Allyghur, Saharunpore, Moradabad, Bareily, Goruckpore, and Bundlecund, according to the zillah in which such officers shall be respectively established.

Government customs to be levied by officers, to be denominated collectors of the government customs in the zillahs in which such officers shall be respectively established.

Second. The custom houses in the zillahs of Etawah and Allahabad shall be subject to the authority of the collector of the government customs at Cawnpore, with a covenanted civil servant as his deputy to be stationed in the zillah of Etawah, and a covenanted civil servant as his deputy in the zillah of Allahabad. The custom house in the zillah of Agra shall be subject to the authority of the collector of the government customs at Furruckabad, with a convenanted civil servant as his deputy to be stationed in the zillah of Agra.

The custom houses in the zillahs of Etawah and Allahabad subject to the authority of the collector of government customs at Cawnpore, with a deputy in each of those zillahs. The custom house in the zillah of Agra subject to the authority of the collector of government customs at Furruckabad, with a deputy in the former zillah.

Third. The government customs in the zillahs of Allyghur, Saharunpore, Moradabad, Bareilly, Goruckpore, and Bundlecund, shall be levied by the officers holding the appointment of collector of the revenue in those zillahs. The collector of the government customs in the zillah of Saharunpore shall be aided by his head assistant, under the denomination of deputy collector of the government customs in the zillah abovementioned, in the collection of the government customs in that zillah. The deputy shall be stationed in the northern or southern division of the zillah of Saharunpore, according as the collector shall be absent from either of those divisions.

The government customs in certain zillahs to be levied by the officers holding the appointment of collector of the revenue.

The head assistant to the collector of Saharunpore to be deputy collector of the government customs in that zillah.

IX. The collectors of the government customs established by this Regulation within the ceded and conquered provinces, and their respective deputies, shall be subject to the authority of the Board of Trade at the presidency.

The collectors of the government customs, and their deputies, subject to the authority of the Board of Trade.

X. The collectors of the government customs in the ceded and conquered provinces shall use a square seal, two inches in diameter; bearing an inscription, to the following effect, in the Persian character and language, and in the Hindoostanee language and Nagree character: " The seal of the collector of " the customs of the zillah of———————". The seal of each custom house shall remain in the custody of the collector of the government customs, and in that of the deputy collector in zillahs in which an officer of that description shall be stationed.

Description of the seal to be used by the collectors of the government customs and their deputies.

XI. Previously to entering upon the execution of the duties of their respective officers, the collectors of the government customs, and their respective deputies, above specified, shall severally take and subscribe the following oath before the Governor General in Council, or any person whom he may empower to administer

Form of oath to be subscribed by collectors of the government customs and their deputies.

minister the same : " I, A. B. do solemnly swear, that I will faithfully discharge the duty of collector of the government customs at——————; that I will not, directly or indirectly, by myself or others, be concerned in, or allow of any collections being made, but such as are or may be hereafter authorized by and brought to the credit of government; that I will not be concerned, directly or indirectly, in the purchase of any goods or commodities in the British dominions subject to the immediate authority of the presidency of Fort William in Bengal, for the purpose of remitting money to Europe, nor in any commercial transaction; that I will not take or receive, or knowingly allow any person to take or receive, any present, gratuity, fee, or advantage whatever, on account of any matter relating to the duty of my office, excepting such as now is or may be hereafter authorized by the Governor General in Council.

" So HELP ME GOD."

During what time the custom houses shall be open.

XII. The several custom houses shall be open, for the transaction of business, every day, (Sundays excepted) from ten o'clock in the morning, until four o'clock in the afternoon.

Rules for stationing custom house chokies.

XIII. The collectors of the government customs shall respectively establish custom house chokies at such places as may be deemed necessary, subject to the approbation of the Board of Trade and of the Governor General in Council. If the Board of Trade shall, at any time, be of opinion, that it will be advisable to increase or diminish the number of the said chokies, or to change their situation, that Board shall submit their opinion to the Governor General in Council, who will pass such orders on the subject as he shall judge proper. The Board of Trade, and the collectors, are, however, enjoined to be careful, that custom house chokies are not established, generally, throughout the several zillahs specified in this Regulation; but that such chokies be confined to the principal routes, ghauts, and stations, by which the import and export trade of the ceded and conquered provinces is usually conducted.

No duty or collection whatever to be levied at any chokey. All duties to be made at the stations of the collectors or their deputies.

XIV. No duty or collection whatever shall be levied at any chokey. The duty of the officers of the chokies shall be confined to the detention of goods liable to duty passing within the limits of their chokey unaccompanied by proper rowannahs, or of goods which may not correspond with the rowannahs. All duties shall be paid at the stations of the collectors of the customs, or their deputies, by whom rowannahs are to be granted.

At what rates duties shall be levied.

XV. *First.* Duties shall be levied at the following rates on the goods hereafter specified. After the payment of such duties, the goods shall not be subject to any further duties in passing through the zillahs specified in Section V, with an exception to the duties levied, on account of government, on articles sold in the bazars and gunges within the said zillahs, as provided for in Section XIX, of this Regulation.

Second.

Second. Cotton, on importation into the zillahs specified in Section V, from the territory of any foreign state situated on the right bank of the river Jumna, (with the modifications contained in the three following clauses) shall be subject to the payment of an import duty, at the rate of eight annas per maund, each seer of the said maund to weigh ninety-six sicca rupees. All cotton, whether produced in, or imported into, the ceded or conquered provinces, on exportation from those provinces, shall be subject to the payment of a further duty, at the rate of four annas per maund, each seer of the said maund to weigh ninety-six sicca rupees.

Rates of duty on the importation and exportation of cotton.

Third. In instances in which cotton shall be imported into any of the zillahs situated on the right bank of the river Jumna, from the territory of any foreign state, for sale in those zillahs, or for exportation from thence, by land, into the province of Benares, the prescribed import duty on such cotton shall be paid to the collectors of the government customs in the respective zillahs, and a rowannah covering the cotton shall be obtained, before the cotton will be permitted to pass the chokies established on the frontier of the said zillahs. When the cotton shall be exported, by land, to the province of Benares, the prescribed export duty shall also be levied by the collector of the government customs in the zillah from which the cotton shall be exported.

Rule for levying the duty on cotton, when imported for sale in the zillahs on the right bank of the Jumna, or for transportation by land to the province of Benares.

Fourth. In instances in which cotton shall be imported into any of the zillahs situated on the right bank of the river Jumna, from the territory of any foreign state, for the purpose of being transported by that river to the lower provinces, the established import duty shall not be demanded, or levied, until the arrival of the cotton at Allahabad, when both the import and the export duty shall be levied at the custom house at that station. Whenever cotton of the above description shall be imported into any of the zillahs situated on the right bank of the river Jumna, for the purpose of being transported across that river, whether for sale within the ceded or conquered provinces, or for exportation from thence, the established import duty shall not be demanded, or levied, until the arrival of the cotton at the Jumna. In such cases, the owner of the cotton, or his authorized agent, or the person in charge of the cotton, shall apply for a rowannah to the collector of the government customs at Cawnpore or Furrackabad, (according as the cotton shall be opposite to, or within, the limits of the chokies or stations of those officers respectively) by whom the duty shall be levied, and the rowannah shall be granted: And the prescribed duty shall be paid, and the rowannah covering the cotton shall be obtained, before the cotton will be permitted to cross the Jumna.

Rule for levying the duty on cotton, when imported for transportation to the lower provinces by the river Jumna,

Or for the purpose of being transported across that river.

Fifth. With the exceptions specified in the foregoing clause, the established duty shall be paid, and a rowannah obtained, before goods imported into the zillahs

In all other cases, the import duty to be levied before the goods pass the

frontier of the zillahs on the right bank of the Jumna.

lahs situated on the right bank of the river Jumna, from the territory of any foreign state, will be permitted to pass the chokies established on the frontier of those zillahs.

Cotton imported into Goruckpore, Azimghur Mahole, or Nawaub Gunge, not subject to any additional duty.

Sixth. No additional duty shall be levied on the importation of cotton into the districts of Goruckpore, Azimghur, Mahole, or Nawaub Gunge; whether imported through the dominions of the Nawaub Vizier, or through the province of Benares.

Rates of duty to be levied on the importation of piece goods.

Seventh. Piece goods of every description imported from the dominions of the Nawaub Vizier, for sale in the ceded or conquered provinces, and all piece goods imported into those provinces, from the territory of any foreign state, whether intended for sale in the said provinces, or for exportation from thence, shall be subject to the payment of an import duty, at the rate of half an anna on each piece of cloth, when the value of such cloths shall not exceed two rupees per piece. When the cloths shall exceed the value of two rupees per piece, each piece shall be subject to the payment of an import duty of one anna.

Rates of duty to be levied on the exportation of piece goods.

Eighth. Piece goods imported into, or manufactured in, the ceded or conquered provinces, shall be subject, on exportation from those provinces, to the payment of a duty, at the rate of one anna for each piece of cloth, when the value of the cloth shall not exceed two rupees per piece. If the value of the cloth shall exceed two rupees, but shall not exceed four rupees per piece, the cloth shall be subject to the payment of an export duty, at the rate of two annas per piece. If the value of the cloth shall exceed four rupees, the cloth shall be subject to the payment of an export duty, at the rate of four annas per piece. These export duties shall be levied, whether such piece goods be intended for exportation to the dominions of the Nawaub Vizier, or to the territory of any foreign state, or to the provinces of Benares, Behar, Bengal, or Orissa.

Rates of duty to be levied on the importation and exportation of indigo.

Ninth. Indigo, on being imported from the dominions of the Nawaub Vizier, for sale in the ceded or conquered provinces, and all indigo imported into the said provinces from the territory of any foreign state, whether intended for sale within those provinces, or for exportation from thence, shall be subject to the payment of an import duty, at the rate of five rupees per maund of ninety six sicca weight to the seer. All indigo, whether the same shall have been manufactured in, or imported into, the ceded or conquered provinces, shall be subject, on exportation from those provinces, to the payment of a further duty of five rupees per maund of ninety six sicca weight.

Rates of duty to be levied on the importation and exportation of sugar, sugar candy, jaggree, and molasses.

Tenth. Sugar, sugar candy, jaggree, and molasses, of every description, when imported from the dominions of the Nawaub Vizier, for sale in the ceded or conquered provinces; and all sugar, sugar candy, jaggree, and molasses, of every description, which may be imported into the said provinces, from the territory of any foreign state, whether intended for sale in those provinces, or for exportation from thence;

shall

shall be subject to the payment of an import duty, at the rate of two annas per maund of ninety six sicca weight to the seer, if not exceeding the value of four rupees per maund. If such sugar, sugar candy, jaggree, or molasses, shall exceed the value of four rupees per maund, it shall be subject to the payment of an import duty, at the rate of four annas per maund. Sugar, sugar candy, jaggree, and molasses, whether the same shall have been imported into, or manufactured in, the ceded or conquered provinces, on exportation from those provinces, shall be subject to the payment of a further duty of two annas per maund of ninety six sicca weight to the seer, when the same shall not exceed the value of four rupees per maund. When exceeding the value of four rupees per maund, such sugar, sugar candy, jaggree, and molasses, on being exported, shall be subject to the payment of an export duty at the rate of four annas per maund.

List of other articles subject to duty on importation, and at what rate.

Eleventh. The articles specified in the following list, on importation from the dominions of the Nawaub Vizier, for sale in the ceded or conquered provinces, or on being imported into the said provinces from the territory of any foreign state, whether intended for sale in those provinces, or for exportation from thence, shall be subject to the payment of a duty of five per cent on the value of the respective articles.

Tobacco.

Beetle-nut (sooparry).

Cutch or cuth (terra japonica).

Ghee.

Pimento (or allspice), black pepper, long pepper, cardamums, cloves, mace, cinnamon, nutmegs, cassia, cummin seed, and anni-seed, and spices of every description.

Mustard-seed oil, cocoanut oil, and vegetable oils, and oil seeds of every description.

Embroidered goods (keemkhabs, &c).

Gold and silver lace.

Cotton yarn.

Chunam.

Hides.

Soap and tallow.

Brass and copper utensils.

Stone plates.

Charcoal.

Raw silk.

Salt petre.

Turmeric.

Rose water.

Wax

Wax and wax candles.

Shawls.

Carpets, (setringes and ghelechas.)

Paper, the manufacture of the British territories under the immediate government of the presidency of Fort William.

Sulphur.

Shell lac and stick lac.

Assafœtida.

Dammer.

Household furniture of all sorts.

Gunnies, gunny bags, and chutta.

Blankets.

Elephant's teeth.

Buffalo horns.

Safflower, or coossum flower.

Shoes and slippers, of all sorts.

Mogul caps.

Hooka snakes.

Sandal wood.

Red wood.

Gold and silver thread.

Tincal.

Borax.

Leather of all sorts.

Iron, and manufactured iron of all sorts.

Gums, of all sorts.

Nux vomica.

Soojymutty.

Otta of roses, and otta of all sorts.

Tootea.

Sal-ammoniac.

Vidry ware.

Dry ginger.

Cow tails.

Butch.

Jungall or verdigrease.

Sindoor, or country red lead.

Rate of duty on the exportation of the foregoing articles.

Twelfth. All the articles specified in the foregoing list, whether imported into the ceded or conquered provinces, or produced or manufactured therein, shall be subject, on exportation from those provinces, to a further duty of two and a half per cent on the value of the respective articles.

XVI.

XVI. In cases in which the duties established by this Regulation are directed to be levied on the value of the goods, such value shall be specified in books which shall be open, for public inspection, at the several custom houses. The collectors of the government customs in the ceded and conquered provinces are accordingly required to prepare and submit, with all practicable expedition, to the Board of Trade, for the approbation of the Governor General in Council, a book of rates, specifying the value of the several articles chargeable with duty, ad valorem, under the present Regulation.

Duties levied on the value of the goods to be regulated by books of rates, to be prepared for that purpose.

XVII. *First.* The duties on goods imported into the ceded or conquered provinces, from the provinces of Bengal, Behar, or Benares, which shall be imported by the route of Allahabad, shall be collected at the custom house at that station; and the rate of duty, and the valuation of the goods on which the duty is to be levied, shall be the same as the rate of duty and valuation of the goods specified in the rowannah granted from the custom house at Benares. The duties on goods imported into the zillah of Goruckpore, from the provinces of Bengal, Behar, or Benares, shall, in like manner, be levied by the collector of the government customs in that zillah, conformably to the rates and duties specified in the rowannah granted from the Benares custom house. On the importation of goods into the zillah of Goruckpore, from the provinces of Bengal, Behar, or Benares, upon which no duty shall have been paid at the Benares custom house, the goods shall be subject to the payment of the same import duty to which they would have been liable, had they been rendered subject to the payment of the prescribed duty at the custom house at Benares; that is to say, at the rate of two and one-half per cent on the value of the goods imported. In such case, the goods shall be valued by the book of rates referred to in Section XVI, of this Regulation.

Duties to be collected on goods imported into the ceded or conquered provinces, from the provinces of Bengal, Behar, or Benares, by the route of Allahabad, to be levied at that station, and at what rate.

Duties on similar goods imported into the zillah of Goruckpore to be levied at that station, and at what rate.

Second. On the exportation of goods, of the descriptions specified in the foregoing clause, from the ceded or from the conquered provinces, such goods shall be subject to the payment of a further duty, equal to one half of the duty specified in the rowannah granted from the custom houses at Allahabad or Goruckpore; that is to say, at the rate of one rupee four annas per cent.

Export duty to be levied on goods of the foregoing descriptions, and at what rate.

XVIII. Any of the articles declared subject to the payment of government duties, by this Regulation, which shall have been produced or manufactured within the limits of the line of chokies, or stations, of the several collectors of the government customs in the ceded or in the conquered provinces, and which shall be exported without the limits of the said line of chokies, to any place within the limits of the line of chokies, or stations, in any other zillah in those provinces; and also any of such articles which shall have been produced or manufactured in the ceded or in the conquered provinces, which shall be brought within the limits of any of the said chokies, or stations, and which shall not have paid the government customs at any custom

Goods produced or manufactured in the ceded or conquered provinces subject to duty, if brought within the limits of any of the chokies or stations in those provinces, and at what rates.

house in the said provinces; shall be subject to the payment of the same duty to which they would have been liable, under this Regulation, on exportation from the ceded or conquered provinces. After the payment of the abovementioned duty, such goods shall not be subject to any further duty in passing through the ceded and conquered provinces, or on exportation from those provinces, with the exception of the gunge and bazar duties mentioned in Section XIX of this Regulation.

No further duty to be paid, if the goods are exported.

XIX. Nothing contained in this Regulation shall be construed to exempt goods, or other articles, sold in the bazars and gunges in the ceded and conquered provinces, from the payment of the established gunge and bazar duties now levied on account of government. Such duties shall continue, for the present, to be collected at the usual rates.

Nothing contained in this Regulation to exempt goods from the established gunge and bazar duties.

XX. All goods, or articles of trade, exported from the dominions of the Nawaub Vizier into the provinces of Benares, Behar, and Bengal, by the rivers Ganges or Gogra, shall be exempted from the payment of the government customs in the ceded provinces. If landed in the ceded provinces, for sale, or barter, or other purpose, such goods or articles shall be subject to the payment of the duties established by this Regulation.

Goods exported from the dominions of the Nawaub Vizier exempted from duty, if transported down the rivers Ganges or Gogra.

Subject to duty, if landed for sale or other purpose.

XXI. For the purpose of promoting and encouraging a commercial intercourse with the inhabitants of the hills bordering on the province of Rohilcund and the zillah of Goruckpore, it is hereby declared, that no export duty shall be levied on commodities, the produce of, or imported into, the ceded or conquered provinces, which may be sold at the hill fairs; and that no import duty will be levied on articles brought from the hills, over and above the gunge and bazar duties which may be established at such fairs.

No duties to be levied on goods bought or sold at the hill fairs, excepting the gunge and bazar duties.

XXII. Regulation VII, 1802, provides for the exemption of the undermentioned articles, imported into Bengal by sea, from the payment of any duty whatever, on their exportation to the territories ceded by the Nawaub Vizier to the English East India Company, or to the dominions of the Nawaub Vizier, after having paid the established customs at the custom houses of Calcutta, Hoogly, or Chittagong. The rule contained in the Regulation aforesaid is declared to extend, in like manner, to the exemption from all duty of the several articles hereafter specified, on their importation into any of the zillahs mentioned in Section V; or on exportation from the ceded or conquered provinces to the city of Delhi, or to the territory on the right bank of the Jumna, the revenues of which are assigned to his Majesty Shah Alum, or to the territory composing the jaghire of Rampore in Rohilcund. It is hereby further declared, that the said articles shall not be subject to the payment of any duty on their being exported from the ceded or conquered provinces into the territory of any foreign state.

Certain articles imported into Bengal by sea, exempted from duty, on importation into the ceded or conquered provinces, or into the Rampore jaghire; or on exportation from the ceded or conquered provinces, to the city of Delhi and its dependencies, or to the territory of any foreign state.

Liquors of all kinds.

Cheeses,

Cheeses.

Hams.

Grocery.

Confectionery.

Oilman's Stores.

Tea.

China and Earthen ware.

Glass ware.

Tin and Japanned ware.

Hard ware.

Cutlery.

Ironmongery.

Hosiery.

Broad Cloth superfine, and Kerseymere.

Buttons.

Shoes and Boots.

Hats.

Flannels.

Blankets.

Irish linen.

Manchester goods.

Great coats, and Boat cloaks.

Leather breeches, pantaloons, and gloves.

Millinery.

Nankeen cloth.

Coast cloths.

Perfumery.

Furniture.

Saddlery.

Books.

Stationery.

No duties to be levied on grain, bullion, and jewels.

XXIII. *First.* Grain of all descriptions, bullion, and jewels, of every description, shall be exempted from the payment of all duties, either on importation into, or exportation from, or in their transit through, the ceded and conquered provinces. The persons importing, or exporting, or transporting, any of the foregoing articles, shall not be subject to any demand, or any detention or molestation whatever.

Further articles exempt from duty.

Second. The undermentioned articles, and all other articles not specifically rendered liable to the payment of duties by the present Regulation, or by any other

Regulation

Regulation which shall be hereafter enacted, and printed and published, in the manner prescribed by Regulation I, 1803, are hereby declared to be exempt from the duties established by the said Regulation, on importation into, or exportation from, the ceded or conquered provinces.

Alimentary salt imported from the province of Benares, or the province of Behar.

Fruit and vegetables.

Firewood.

Indigo seed.

Pawn.

Bamboos.

Mats of every description.

Paddy and grass.

Straw.

Gurran posts, and gurran sticks.

Tiles, (the sort denominated khaprel.)

Pottery.

Horses and animals of every description.

Opium purchased at the Company's sales.

Officers of the customs required to seize all warlike stores attempted to be illegally transported.

Such stores liable to confiscation.

XXIV. The transportation of cannon, and of all descriptions of fire arms, or military stores, excepting on account of, or under a pass from, the British government, being prohibited, the collectors, and all officers of the customs, are required to seize all such cannon, arms, or stores, as shall be attempted to be transported in disobedience to this prohibition. The cannon, arms, or stores so seized, shall be liable to confiscation.

Duties to be paid and rowannahs obtained previously to goods passing the chokies, otherwise the goods will be liable to seizure and confiscation.

XXV. All the duties payable, under this Regulation, shall be paid, and the rowannahs for covering the goods shall be obtained, previously to the goods passing, or attempting to pass, any of the chokies dependent on the custom houses at which the duties are to be levied. Goods seized, after having passed, or in the attempt to pass, the said chokies, without having paid the established duties, and without being accompanied by a rowannah, shall be liable to seizure and confiscation.

Rules for granting rowannahs or custom house passes.

XXVI. *First.* Rowannahs, or custom house passes, shall be granted, under the following rules.

How to be applied for.

Particulars to be specified in the application.

Second. No rowannah shall be granted, excepting upon a written derkhaust, or application, signed by the proprietors of the goods, or their authorized agents, or the persons in charge of the goods. The derkhaust shall specify the following particulars.

The merchant's name.

The sort of goods.

The quantity of the goods.

The number and description of packages.

The value of the goods.

Whence

Whence brought or imported.

Whither proceeding.

Third. Should any attempt be made to pass, at any custom house, a larger quantity of goods than that which is specified in the derkhaust, or to pass goods of higher value than the value of the goods specified in the derkhaust; in the former case, the whole of the goods shall be liable to confiscation; and, in the latter case, the goods shall be subject to double duty and double commission.

Penalties for attempting to pass goods in larger quantities, or of superior value, to what is specified in the application.

Fourth. Rowannahs for which application may be made, on any day before twelve o'clock, shall be prepared and delivered at a period not later than the following day.

Rowannahs applied for before twelve o'clock to be delivered the following day, and not later.

Fifth. Every rowannah shall be signed and sealed by the collector, or deputy collector, the darogah, the mushriff or accountant, and the tavildar or cash-keeper; the latter of whom shall deliver the rowannah, upon the duties being paid.

By whom rowannahs are to be signed, sealed, and delivered.

Sixth. The darogah, the mushriff, and the tavildar, shall each have the custody of the seal of his office. Should either of the said officers be convicted of allowing his seal to be removed from his possession, he shall be subject, for the first offence, to a fine of twenty rupees; and for the second offence, to dismission from his office, under the rules provided, in such cases, by Regulation V, 1804.

Penalties for native officers permitting their seals to go out of their possession.

Seventh. The rowannahs shall be written in the Persian language, and in the Hindoostanee language and Nagree character, and shall contain the following particulars.

Rowannahs in what languages to be written. Particulars to be stated in them.

The number of the rowannah.

The date of the rowannah.

The merchant's name.

The sort of goods.

The quantity of the goods.

The number and description of packages.

The value of the goods.

The rate of the customs.

The amount of the customs.

The rate and amount of the established commission collected, over and above the amount of the customs, from whence the goods have been brought or imported, and whither proceeding.

Eighth. Commercial residents, or agents, and others, employed to provide goods for the honorable Company's investment, shall take out rowannahs to accompany the goods provided, on account of the honorable Company's investment, which are to pass a custom-house station. Such rowannahs shall be granted, upon official application for them being made in writing to the collectors; but no customs, commission, or fees, shall be levied on such goods.

Rowannahs to be taken out for goods for the Company's investment.

Such goods not liable to duty.

Ninth. Registers of all rowannahs granted at each custom house shall be kept in the English and Persian languages, and in the Hindoostanee language and Nagree characters, according to such form as the Board of Trade shall prescribe.

Registers of rowannahs to be kept at the several custom houses.

XXVII.

Rowannahs to be in force for one year only.

XXVII. *First.* All rowannahs granted, under this Regulation, shall be considered to be in force for one year only, calculating from the date on which they shall be respectively granted. After such period, the goods covered by the said rowannahs, in the event of their being brought or moved within the limits of the chokies of any of the custom-houses established by this Regulation within the ceded and conquered provinces, shall be again subject to the established duties, in the same manner as if the duties on such goods had never been paid.

Rowannahs granted at any one custom house, to be current throughout the ceded and conquered provinces.

Second. A rowannah granted at any one custom house, within the ceded or conquered provinces, shall be current, under the rules contained in this Regulation, throughout those provinces, and shall exempt the goods covered by it, in their passage to any place within the said provinces, from the payment of any further duty, under this Regulation, and from any detention for a period longer than may be requisite to enable the officers of any other custom house to ascertain, whether the goods and the rowannah correspond. The detention of the goods for this purpose shall never exceed one day. The collector, after having made the necessary examination, shall, if the goods correspond with the rowannah, certify the same upon the back of the rowannah. If the collector shall find, that the merchant has taken up more goods, or any other goods in addition to those specified in the rowannah, the whole of the goods shall be liable to confiscation. If the collector shall have reason to believe, that goods superior in value to the value specified in the rowannah are attempted to be passed, under such rowannah, he shall cause a part of the goods to be opened and examined in the public cutcherry, in his own presence; and, if any such fraud shall be discovered, the collector shall levy double duties and double commission on the real value of the goods composing the whole dispatch.

Goods accompanied by rowannahs, shall not be detained for examination more than one day.

Penalties on discovery of deviations in quantity, or value, from the goods specified in the rowannahs.

A register to be kept at each station of rowannahs passing the station, granted at other custom houses.

Third. The collector at each custom house shall keep a register of all rowannahs, granted at other custom houses, which shall accompany goods passing his station, in the same form as the register prescribed to be kept of rowannahs granted by himself.

A dispatch of goods may be divided into smaller quantities, and rowannahs granted for those quantities, free of duty, on certain conditions.

XXVIII. *First.* Should a merchant be desirous of dividing a dispatch of goods into smaller quantities, after having taken out one rowannah for the whole, he shall be entitled, at any of the custom houses, to as many rowannahs as he may require, free of duty, on identifying the goods and surrendering the original rowannah: but a merchant, after arriving at the place of his destination, shall not be entitled to a new rowannah, free of customs, on the ground of his having transported only a part of a dispatch of goods under the original rowannah.

Merchants entitled to exchange rowannahs, on certain conditions.

Second. It is declared, by Clause First, Section XXVII, that a rowannah shall be considered to be in force for one year only. Should a merchant, however, be desirous of removing his goods from the place to which they may have been carried, under the original rowannah, after the expiration of one year, he shall be entitled to an exchange rowannah for another year, at any of the established custom-houses,

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the goods being identified to the satisfaction of the collector, and the old rowannah being delivered up.

Registers to be kept of of exchanged rowannahs.

Third. At each custom house, there shall be kept a register of all exchanged rowannahs granted therefrom, specifying the date and number of the original rowannah, and the custom house at which it was issued.

Collectors empowered to propose rules for promoting the better collection of the customs.

XXIX. The collectors of the government customs are respectively empowered to propose to the Board of Trade, for the consideration of the Governor General in Council, such rules as may appear to them calculated to promote the better collection of the customs.

No collections to be made but such as are authorized by this, or any other Regulation.

XXX. No collections whatever, either as customs, duties, commission, or under any other denomination, shall be levied by any of the officers employed at the custom houses, excepting such collections as are or may be authorized by this Regulation, or by any other Regulation which shall be hereafter enacted, and printed and published in the manner prescribed by Regulation I, 1803.

Penalties for a breach of the rule prescribed in the foregoing section.

XXXI. Any native officer, proved to the satisfaction of the collector to have been guilty of a breach of the rule contained in the foregoing section, shall be liable to be dismissed from his employment, under the rules provided, in such cases, by Regulation V, 1804. The offender shall also be subject, in addition to the re-payment of the amount exacted, to such fine as the collector may think proper to impose; provided that the amount shall not exceed the amount of such officer's salary for the period of six months; and also, that the fine shall not be levied, until it shall have received the sanction of the Board of Trade. When a collector of customs shall have imposed a fine upon any such officer, and when the fine shall have received the sanction of the Board of Trade, the collector shall certify the same, through the vakeel of government, to the zillah court to which the officer may be amenable, by a writing, stating the amount of the fine, and the sum to be refunded; and the judge, upon the receipt of such document, shall levy the fine to be paid, and the amount to be refunded, by the same process as is prescribed for enforcing decrees of the court.

Fine how to be levied.

Collectors to report to the Board of Trade, without delay, all cases of goods liable eventually to confiscation.

XXXII. *First.* Whenever goods shall be detained, on the ground of their being liable to confiscation, the collector shall, with all practicable expedition, report the case, for the determination of the Board of Trade.

Proceeds of goods confiscated and sold under this Regulation, how to be appropriated.

Second. In the event of goods being confiscated, under this Regulation, they shall be sold by public auction, and the net proceeds shall be divided as follows:

One fifth to the collector.

Two fifths, in equal proportion, to the informer, and to the officers of government making the seizure.

Two fifths to the Company.

Board of Trade empowered to release goods, or to remit penalties, in certain cases.

XXXIII. *First.* The Board of Trade are hereby empowered, in cases in which there shall appear to them sufficient cause for so doing, to direct the release of any goods

goods which may have become liable to confiscation, or to remit any other penalties which may have been incurred for the breach of any rule contained in this Regulation.

Board of Trade empowered to commute higher penalties for double duty and double commission.

Second. The Board of Trade are hereby further empowered to order double duty and double commission to be levied, in lieu of any higher penalty which may be incurred, under this Regulation, in cases in which there shall appear to them ground for a mitigation of such penalty.

Rule respecting the exportation and importation of goods in the jaghire of Rampore in the province of Rohilcund.

XXXIV. All goods and articles of trade, exported from the province of Rohilcund into the territory constituting the jaghire of Rampore, shall not be subject to the payment of any duty, on being exported from such province into the territory aforesaid. All goods and articles of trade, imported into the province of Rohilcund from the Rampore jaghire, being of the description of goods and articles of trade which are liable to the payment of government customs under this Regulation, shall be subject to the payment of the same import duties to which goods and articles of trade are subject, on importation into the ceded provinces from the dominions of the Nawaub Vizier.

Rules for the importation and exportation of salt in the ceded and conquered provinces.

XXXV. *First.* Regulations VI and VII, 1804, provide for levying a duty on the importation of salt into the conquered provinces in the Dooab, the ceded provinces and the province of Benares, whether the salt shall have been produced within the conquered provinces on the right bank of the river Jumna, or shall be imported from the territory of any foreign state. The same Regulations also provide for levying a duty upon the exportation of salt, from the ceded or conquered provinces, into the territory of any foreign state. It is likewise declared, in Section IV, Regulation VI, 1804, that provision will be hereafter made for levying a duty on the importation of foreign salt into the conquered provinces on the right bank of the Jumna. The following rules are now enacted.

Parts of Regulations VI and VII, 1804, rescinded, from the commencement of the year 1213 Fusly.

Second. Such parts of Section IV, Regulation VI, and Section II, Regulation VII, 1804, as provide for levying a duty on the importation of foreign alimentary salt into the ceded provinces, or into the conquered provinces in the Dooab, from the zillahs situated on the right bank of the river Jumna, shall be rescinded; and the rule prescribed by the following clause shall be substituted in lieu thereof, from and after the commencement of the year 1213 Fusly.

Salt imported into the zillahs on the right bank of the Jumna subject to duty, and at what rate.

Third. All alimentary salt which shall be imported into the zillahs situated on the right bank of the river Jumna, from the territory of any foreign state, or from the territory situated on the right bank of the river Jumna, the revenues of which are assigned to his Majesty Shah Alum, (whether produced with in the territory last mentioned, or otherwise) from and after the commencement of the year 1213 Fusly, shall be subject to the payment of a duty, at the rate of twelve annas per maund, each seer of the said maund to weigh eighty sicca rupees. Such salt, after having paid

paid the import duty above prescribed, shall not be subject to the payment of any further duty, in passing through the ceded and conquered provinces.

Salt imported into the Dooab from the city of Delhi and its dependencies to continue subject to the duty prescribed by Regulations VI and VII, 1804.

Fourth. Foreign alimentary salt, and all alimentary salt produced within the zillahs situated on the right bank of the river Jumna, or within the territory situated on the same bank of that river, the revenues of which are assigned to his Majesty Shah Alum, which shall be imported into the Dooab from the city of Delhi, or from the territory abovementioned, shall continue to be subject to the payment of the duty specified in the foregoing clause, as prescribed by Section IV, Regulation VI, and Section II, Regulation VII, 1804.

Penalty for passing or attempting to pass salt contrary to this Regulation.

Fifth. All alimentary salt, passing or attempting to pass any of the established custom house chokies, without having paid the prescribed duty, and without being accompanied by a rowannah, will be liable to seizure and confiscation.

Remaining parts of Regulations VI and VII, 1804, to remain in full force.

Sixth. Such parts of Regulations VI and VII, 1804, as have not been altered, or otherwise modified, by this Regulation, shall remain in full force.

Duties on salt to be considered as forming a part of the government customs to be levied under this Regulation.

XXXVI. Orders were passed by the Governor General in Council, under date the 30th of September 1804, empowering the officers holding the appointment of collectors of the government customs in the ceded provinces to levy the duties established by Regulations VI and VII, 1804, on the importation and exportation of salt in the said provinces. The collection of such duties in the conquered provinces was, at the same time, entrusted to the officers employed in the collection of the land revenue in the said provinces. It is now declared, that the duties to be levied on the importation and exportation of salt, in the ceded and conquered provinces, under the rules prescribed by Regulations VI and VII, 1804, and by Section XXXV, of this Regulation, shall be considered as forming a part of the government customs. Such duties shall accordingly be levied by the collectors of the government customs, and their respective deputies, in the ceded and conquered provinces; subject to the several provisions of this Regulation, as far as they may be applicable to the same.

Such duties to be levied by the collectors of the government customs, subject to the several provisions of this Regulation.

Commission to be levied by the collectors of the government customs, for their own benefit, and at what rates.

XXXVII. The collectors of the government customs established by this Regulation, and of the duties on salt established by Regulations VI and VII, 1804, who are not also collectors of the land revenue, are authorized to levy, for their own benefit, a commission of five per cent on the amount of the duties collected by them, and by their respective deputies, under this Regulation and the Regulations abovementioned. The collectors of the customs and duties aforesaid, who likewise hold the office of collector of the land revenue, are also authorized to levy a commission of five per cent on the amount of all duties collected by them and by their respective deputies. The collectors of the government customs, of the description last mentioned, shall, however, only appropriate to their own benefit a moiety of such commission, carrying the residue to the credit of government in their accounts. The deputy collectors of the government customs shall not be entitled to a participation in the commission, or in the produce of confiscated goods, authorized by this Regulation.

Surplus commission, in certain cases, to be carried to the credit of government.

Deputy collectors not to participate in the commission, or in the produce of confiscated goods.

XXXVIII.

This Regulation not to extend to the city of Delhi, or to the territory assigned to his Majesty Shah Alum. Rules respecting the duties on goods imported into, or exported from, the city and territory aforesaid.

XXXVIII. No part of this Regulation shall be construed to extend to the city of Delhi, or to the territory on the right bank of the Jumna, the revenues of which are assigned to his Majesty Shah Alum. All goods and articles of trade, subject to the payment of government duties, under this Regulation, on being exported from the conquered provinces in the Dooab, or on the right bank of the river Jumna, into the city and territory abovementioned, shall be subject to the same rules regarding duties, as are prescribed, by this Regulation, on the exportation of goods to the territory of any foreign state. In like manner, all goods and articles of trade, imported into the conquered provinces in the Dooab, or on the right bank of the river Jumna, from the city and territory abovementioned, which may be liable to the payment of government customs, under this Regulation, shall be subject to the same rules regarding duties, as are prescribed, by this Regulation, on the importation of goods from the territory of any foreign state. It is the intention, however, of the Governor General in Council to adopt the necessary measures for obtaining an exemption from duty of all the articles imported from England, which are specified in Section XXII of this Regulation, on their importation into, and exportation from, and transit through, the city of Delhi and territory aforesaid.

This Regulation to be in force, in the ceded provinces, from its promulgation.

XXXIX. *First.* The present Regulation, as far as relates to the collection of the government customs in the ceded provinces, shall be in force from the promulgation of the Regulation.

This Regulation to be in force in the conquered provinces, and in Bundlecund, from the commencement of the year 1213 Fusly.

Second. The rules prescribed, by this Regulation, respecting the government customs to be levied in the conquered provinces in the Dooab and on the right bank of the river Jumna, including the zillah of Bundlecund, shall not be in force, in the territories aforesaid, until the commencement of the year 1213 Fusly. The duties on salt, established by Regulations VI and VII, 1804, will continue to be collected, in the abovementioned territories, in the manner prescribed by those Regulations, and conformably to the orders passed, under date the 20th of September, 1804, respecting the collection of the said duties, until the period of time above specified.

Goods on their transit to and from the ceded and conquered provinces, respectively, after the commencement of the year 1213 Fusly, not to be subject to any other duty than that specified in Section XVIII.

XL. Goods, or articles of trade, subject to the payment of duties, under this Regulation, which shall be exported from the conquered into the ceded provinces, from the commencement of the ensuing year 1213 Fusly; and all goods and articles of trade, of the description abovementioned, which shall be exported from the ceded into the conquered provinces, from and after the period of time above specified; (with the exception of the duties to be levied on the importation of salt into the Dooab, under Regulations VI and VII, 1804, and under Clause Fourth, Section XXXV, of this Regulation) shall not be subject to the payment of any other duty than that specified in Section XVIII, of this Regulation, on their transit to and from the said provinces respectively, and to the established duties levied, on account of government, in the bazars and gunges in the provinces abovementioned, under Section XIX of this Regulation.

XLI.

Collectors and officers of customs amenable to the courts of judicature.

XLI. The collectors of the government customs, and their officers of every description, shall be considered amenable to the courts of judicature, for all acts done by them, which may be repugnant to this Regulation, or to any other Regulation, for the collection of the government customs in the ceded and conquered provinces, which shall be enacted, and printed and published, in the manner prescribed by Regulation I, 1803; and, if any person shall deem himself aggrieved, under this or any other Regulation, for the collection of the government customs in the said provinces, by any act of a collector, or of any of his officers, done in conformity to the orders of the Governor General in Council, or of the Board of Trade, such person will be at liberty to sue for redress, under the rules contained in Regulation II, 1803, or such other Regulations as may be applicable to the case.

Persons deeming themselves aggrieved, how to seek redress.

Cases in which the collectors of government customs are to defend suits instituted against them for a breach of the Regulations at their own risk.

XLII. In suits instituted against a collector of the government customs in the ceded or conquered provinces, and where the act complained of shall not have been done pursuant to special orders, from the Board of Trade, or the Governor General in Council, the party complained against shall appoint one of the authorized vakeels of the court to defend the suit at his own risk.

Collectors may take upon themselves the defence of suits instituted against their officers.

XLIII. The collectors shall be at liberty to take upon themselves the defence of any suit which may be instituted against their officers; but, in such cases, the collectors shall be answerable for the decree of the court, in the same manner as if the suit had been originally instituted against themselves.

Process issued against the collectors, how to be served.

XLIV. When written process shall be issued by a court of civil judicature to a collector of the government customs, the judge, or the register to the court, shall transmit the same, under a sealed cover, addressed to the collector, in the form of a letter, and superscribed with his name and official appellation. The collector shall immediately acknowledge the receipt of the process, by an endorsement to that effect on the instrument, and return it, under a sealed cover, addressed to the judge, or the register, of the court, from which it may have issued.

By whom decrees, costs, and damages, given against collectors of government customs, or their officers, are to be made good.

XLV. In instances in which the Board of Trade shall approve of a decision given against a collector, or any of his officers, in a suit in which such collector, or his officers, may have been engaged in their official capacity, and which may not have been prosecuted or defended by them, pursuant to orders from that Board, or the Governor General in Council, the Board of Trade are empowered to hold the collector, or his officer, by whom the act complained of may have been done, responsible for the whole or any part of the costs and damages awarded by the decree, or of the decree itself, if, upon a consideration of the merits of the case, and of the conduct of the person against whom the decree may be given, or the act complained of may have been done, they shall be of opinion, that the government ought not to be charged with all or any part of such costs, damages, or decree. But, in such cases, the person whom the Board of Trade may so determine

termine

termine to hold responsible, is at liberty to appeal the cause at his own risk and cost.

Board of Trade may authorize an appeal from any decision passed against a collector or his officers.

XLVI. If the Board of Trade shall be dissatisfied with a decree passed against a collector, or any of his officers, in suits in which they may have been engaged, either with or without their orders, or the orders of the Governor General in Council, they are empowered to authorize an appeal from such decree, under the Regulations; and, in the event of their lodging an appeal, it shall be carried on in the provincial court of appeal, and in the Sudder Dewanny Adawlut, (should the cause be ultimately appealed to the last mentioned court) by the vakeel of government, or by any other authorized vakeel of the court into which the cause may be brought, notwithstanding any thing which may be said to the contrary in any Regulation passed in the manner prescribed by Regulation I, 1803.

Security not to be demanded from collectors of government customs for their appearance, or for costs or damages, or decrees.

XLVII. Security shall not be demanded from the collectors, for their personal appearance in any suit in which they may be engaged in their official capacity; nor shall security be required from them for the payment of costs or damages, nor for the performance of the decrees or orders of the courts, as government will be responsible for causing the collectors to answer to all such suits as may be instituted against them, and to make good the decrees or orders of the court.

Collectors not liable to prosecution for the acts of their predecessors. What suits they are bound to defend after removal from office.

XLVIII. The collectors shall not be liable to prosecution for any official act of their predecessors. But any person who may be removed from the office of collector of the government customs in the ceded or conquered provinces shall carry on, in the same manner as if he had continued in the office, all suits in which he may be engaged in his official capacity; unless the Board of Trade, upon a consideration of the circumstances of the cases, shall deem it advisable to order his successor to prosecute or defend the suits. This rule, however, shall not extend to suits in which a collector, who may have been removed, shall have been engaged, in consequence of orders from the Board of Trade or the Governor General in Council. All such suits shall be carried on by the collector of the government customs for the time being, and at the risk and expense of government.

Collectors allowed to forward instructions to their vakeels by the dawk, free of postage.

XLIX. To facilitate the communication between the collectors and their vakeels in the zillah courts, or the provincial courts of appeal, or the Sudder Dewanny Adawlut, who may be entrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in the office, or after their removal from it, they are authorized to forward, free of postage, any instructions which they may have to transmit to their vakeels in those courts. The instructions shall be enclosed, under a sealed cover, directed to the vakeel. The instructions, so sealed and directed, shall be transmitted, under a sealed cover, addressed to the register of the court in which the

Instructions to be sealed and enclosed under a sealed cover, addressed

cause

cause may be depending, and superscribed with the name and official appellation of the person dispatching it, or that which he bore when the cause of action arose. The register of the court, immediately on receiving the instructions, shall deliver them sealed to the vakeel to whom they may be directed. In like manner, the vakeels in any of the courts, to whom the pleading of such suits or appeals may be committed by the collector, are authorized, either whilst their constituents remain in such office, or after they shall have been removed from it, to forward any papers which they may have to convey to their constituents by the public dawk free of postage. The papers shall be enclosed in a cover, sealed with the seal of the vakeel; and the judge, or the register of the court, shall trasmit the papers so sealed, under a cover, sealed and addressed to the person to whom they are to be forwarded, and superscribed with his official signature.

to the register of the court, who is to deliver them sealed.

The vakeels may, in like manner, forward papers to their constituents through the register.

L. In cases in which the Board of Trade shall judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they shall take upon themselves the superintendence of the prosecution or defence of any suit or appeal, in which they or any of their officers may be engaged, either in a zillah court, or in a provincial court of appeal, or in the Sudder Dewanny Adawlut, instead of leaving the conduct of the suit or appeal to the collector.

Cases in which the Board of Trade are to take upon themselves the prosecution and defence of suits or appeals.

LI. The collectors shall not derive any advantage whatever from suits in the courts of justice in which they may be engaged, or in any wise concerned, in their official capacity. On the other hand, it is not intended that the collectors shall sustain any loss in consequence of such suits, where their conduct shall be adjudged to be conformable to the Regulations, or shall be approved by the Board of Trade, or the Governor General in Council. The collectors will accordingly bring to the credit of the Company, in their accounts, all sums whatever which may be adjudged to them by any of the courts of justice; and they will note, at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as the Board of Trade shall direct, all sums which they may disburse, or be adjudged to pay, on account of suits in which they may be engaged, or be concerned, in their official capacity; but no such disbursements or payments shall be considered as passed to the debit of the Company, until the previous sanction of the Board of Trade, or of the Governor General in Council, shall have been obtained for that purpose; and until such sanction is procured, the collector making the disbursements, or payments, shall be held answerable for the amount.

Collectors not to derive any advantage from suits.

Nor to sustain any loss, if their conduct be approved.

Sums disbursed by collectors of government customs not to be carried to the debit of the Company without orders from the superior authorities.

LII. All the rules in this Regulation, respecting collectors of the government customs in the ceded and conquered provinces, shall be considered equally applicable to their deputies or assistants, being covenanted civil servants of the

Rules in this Regulation applicable to deputies and assistants.

Company,

Company, whilst officiating as collectors in the absence of the collectors, or whilst the office of collector may be vacant.

Penalty and punishment to which persons, not being native officers employed by government in the collection of the customs, will be subject, who shall exact taxes or duties, contrary to this or any other Regulation.

LIII. Any person, not being a native officer employed by government in the collection of the government customs, who shall exact taxes, or duties, of any denomination, contrary to this Regulation, or to any other Regulation which shall be hereafter enacted, and printed and published, in the manner prescribed by Regulation I, 1803, whether as a principal or an accessary, shall be liable to prosecution in the courts of adawlut. The judges of the said courts are accordingly required to receive all plaints preferred on account of such exactions; to hear and determine the same within ten days from the date of filing the plaint, or as soon afterwards as the attendance of the necessary evidence shall admit; and, on proof, to decree a refund of the amount exacted, with damages equal to double the amount, besides all necessary costs incurred by the plaintiff in the prosecution, as well as a heavy fine to government, proportionate to the circumstances of the offender. The decree, in such cases, shall be enforced in the courts of adawlut by the process prescribed in other cases; and, if the property of the offender (which shall be applied in the first instance to make good the damages and costs adjudged to the party injured) shall, in any instance, be insufficient to make good the fine to government, the courts are empowered to commute the fine to imprisonment for such period, not exceeding six months, as, on consideration of the circumstances of the case, shall appear to them adequate to the offence.

A. D. 1805. REGULATION I.*

A REGULATION *for empowering the court of Sudder Dewanny Adawlut to hear and determine appeals from the decisions of the courts of civil justice, established under the authority of the British Government, at Chandernagore and Chinsurah.*—PASSED *by the Governor General in Council, on the* 14*th February* 1805*; corresponding with the 4th Phaugun* 1211 *Bengal era; the* 1*st Phaugun* 1212 *Fusly; the* 4*th Phaugun* 1212 *Willaity; the* 1*st Phaugun* 1861 *Sumbut; and the* 13*th Zeekaud* 1219 *Higeree.*

SINCE the capture of the French settlement of Chandernagore, on the 11th June 1793, and of the Dutch settlement of Chinsurah on the 27th July 1795, courts of judicature for the administration of civil justice have been established at each of those settlements, under the authority of the British government. At Chandernagore two civil courts have been constituted, the cutcherry, or native court; and the tribunal, or European court. The deputy superintendant, and occasionally the assistant zemindar (also called the assistant jemadar) presides in the cutcherry; wherein all causes between native parties, or in which a native of India may be the defendant, are heard and decided in the first instance; subject to appeal, in every case, to the European court. The superintendant is judge of the latter court, and is assisted by the deputy superintendant, as well as by an officer denominated the "Commissaire du Roy," whose duty it is to deliver his opinion, or "conclusions" on the whole proceedings and merits of the case, before a definitive sentence is given by the judge. This tribunal besides hearing and determining (after taking further evidence, if it appear necessary) all appeals from the native court, also receives and decides, in the first instance, all suits between Europeans, or in which the defendant may be an European, subject to its jurisdiction. But previously to the war between France and Great Britain, an appeal from the sentences of the European court was open to a superior court of appeal at Pondicherry; and during the subjection of Chandernagore to the British authority, the Governor General in Council has both reserved to himself a power of deciding upon points or cases referred to him by the superintendant, and has also heard and determined, appeals from judgments passed by the superintendant in his judicial capacity. At Chinsurah, three civil courts have been established; viz. the cutcherry, or zemindar's court; a court of appeal from decisions passed in the cutcherry; and an European court. The cutcherry is superintended by the deputy commissioner and has cognizance of all suits between natives, or

* This Regulation is not in force in consequence of the Settlements of Chandernagore and Chinsurah having been restored to the French and Dutch.

in which a native may be the defendant. The commissioner presides as judge in the court of appeal, and hears appeals in all cases from the judgments of his deputy; but does not take new evidence; referring the cause back for further trial, if requisite, in the cutcherry. The commissioner is also judge of the European court, assisted by the fiscal, who records his opinion on every matter before the court, previously to a decision or order upon it. In this court all suits between Europeans, or in which Europeans subject to its jurisdiction may be defendants, are tried in the first instance; and the appeal, which before the war with Holland lay from all decrees of the European court to a superior court at Batavia, has been since allowed to the Governor General in Council, from the judgments of the commissioner, in the same manner as at Chandernagore. The late renewal of war between Great Britain, France, and Holland, rendering it uncertain how long the settlements of Chandernagore and Chinsurah, may remain under the authority of the British government, and the Governor General in Council being desirous that the inhabitants of those settlements, whilst they continue under British protection, should, as far as circumstances admit, enjoy the benefit of the same provisions as have been made for administering the judicial functions of the government, throughout the Company's provinces, by the means of courts of justice distinct from the legislative and executive authority of the state, he has resolved to empower the court of Sudder Dewanny Adawlut, established at the presidency, to hear and determine appeals from the decisions of the European courts at Chandernagore and Chinsurah, in all suits instituted, heard, and determined in those courts, in the first instance; as well as a further appeal in causes originally tried in the cutcherry, and heard in appeal before the superintendant at Chandernagore, or commissioner at Chinsurah, under a limitation, in such cases similar to that which restricts the right of appeal to the Sudder Dewanny Adawlut, from the decrees of the provincial courts of appeal. The Governor General in Council has accordingly enacted the following rules, to be in force as soon as promulgated; and to remain in force whilst the settlements of Chandernagore and Chinsurah shall continue under the authority of the British government.

An appeal allowed to the Sudder Dewanny Adawlut in all suits instituted, heard, and determined in the first instance in the European courts of civil justice at Chandernagore and Chinsurah; provided the appeal be preferred within three months, or that sufficient reason be assigned for any delay beyond that period.

II. *First.* In all suits and causes of a civil nature, instituted, heard, and determined in the first instance in the European courts of civil justice established at Chandernagore and Chinsurah, an appeal from the sentences, decrees, or other final judgments, or orders passed by the superintendant at Chandernagore, or commissioner at Chinsurah, in his capacity of judge of those courts, or by any other person who may at any time be authorized to act as judge of the said courts, shall lie to the court of Sudder Dewanny Adawlut established at Calcutta; provided that the petition of appeal be preferred within three months after the sentence, decree, or other final judgment or order appealed from, shall have been passed; or if not preferred within this period, that sufficient reason for the delay be assigned, to the satisfaction of the court of Sudder Dewanny Adawlut.

Second.

Second. In all suits and causes of a civil nature, instituted, heard and determined in the first instance, in the cutcherries, or native courts of civil justice, established at Chandernagore and Chinsurah; and subsequently heard and determined, in appeal, before the superintendant at Chandernagore, or commissioner at Chinsurah, in his judicial capacity, or by any other person who may be authorized to exercise appellate jurisdiction in such cases, an appeal from the sentence, decree, or other final judgment or order passed upon such appeals, shall also lie to the court of Sudder Dewanny Adawlut established at Calcutta; provided that the amount or value adjudged against the party desiring to appeal, according to the usual mode of computation within the settlements abovementioned, shall exceed the sum of five thousand sicca rupees; and that the petition of appeal be preferred within three months after the sentence, decree, or other final judgment or order appealed from, shall have been passed; or if not preferred within this period, that sufficient reason for the delay be assigned to the satisfaction of the court of Sudder Dewanny Adawlut.

An appeal to the Sudder Dewanny Adawlut allowed in suits originally heard and determined in the native courts of civil justice of Chandernagore and Chinsurah, and subsequently heard and decided in appeal by the courts of appeal at those settlements; provided the amount or value adjudged, exceed the sum of five thousand sicca rupees, and that the appeal be preferred within three months, or that sufficient reason be assigned for any delay beyond that period.

Third. In the suits and causes described in the preceding clause, it shall further be competent to the court of Sudder Dewanny Adawlut to admit a special appeal, although the amount or value of the cause of action may be less than five thousand sicca rupees, if on the face of the sentence or decree from which the appeal may be desired, it shall appear to the Sudder Dewanny Adawlut erroneous or unjust; or, if from the nature of the cause, as stated in the sentence or decree, it shall appear to that court of sufficient importance to merit a further investigation in appeal; although within the amount specified in the preceding clause.

Discretionary power reserved to the Sudder Dewanny Adawlut, of admitting special appeals in certain cases, although the amount adjudged may be less than five thousand rupees.

III. The appeal to the court of Sudder Dewanny Adawlut, which is allowed by Clauses first and second, of the foregoing section, shall not be demandable by the parties in any suits which may have been tried and adjudged by the established courts of justice at Chandernagore and Chinsurah, more than three months before the date of this Regulation; and against which no appeal, petition, or representation may have been preferred to the Governor General in Council. But the court of Sudder Dewanny Adawlut shall hear and determine all appeals which may have been preferred to the Governor General in Council, or for the admission of which any petitions or representations may have been received by the Governor General in Council, and which may be referred by his order, for the investigation and decision of the Sudder Dewanny Adawlut. That court is also empowered to admit a special appeal in any other cases adjudged by the European court, or court of appeal at Chandernagore, or Chinsurah, above three months before the date of this Regulation, if good and sufficient reason be assigned by the appellant for not having preferred his appeal to the Governor General in Council at an earlier period. But the discretionary power hereby vested in the court of Sudder Dewanny Adawlut, to admit retrospective appeals, in particular cases, wherein the ends of justice may appear to require it, is to be

Appeal to the Sudder Dewanny Adawlut, allowed by Clauses first and second, of the preceding section, not demandable in suits adjudged more than three months before the date of this Regulation, and respecting which no appeal, petition, or representation, may have been preferred to government.

But Sudder Dewanny Adawlut to determine all appeals referred to that court by the Governor General in Council.

Also empowered to admit a special appeal in particular cases; but caution to be observed in admitting such appeals.

be exercised with caution; and such appeals are not to be allowed without satisfactory reason for their not having been before brought forward.

Petitions of appeal to the Sudder Dewanny Adawlut, to be presented to the judge at Chandernagore or Chinsurah.

IV. *First.* In all appeals to the court of Sudder Dewanny Adawlut, under this Regulation, the petition of appeal is to be presented to the superintendant at Chandernagore, or commissioner at Chinsurah, in his judicial capacity, or to whoever may be officiating as judge of the European court, and court of appeal, at those settlements respectively; and shall contain, besides such information of the case as may shew that it is appealable to the Sudder Dewanny Adawlut, a full and explicit statement of the appellant's objections to the sentence or decree from which he is desirous to appeal. The appellant shall, at the same time, tender good security for the payment of any costs or fine which may be adjudged on the determination of his appeal by the court of Sudder Dewanny Adawlut; or, if unable to give such security, shall make oath of his inability, and adduce two credible persons to attest the same; and shall also furnish two sufficient sureties for his personal appearance when required.

What to contain.

Security to be at the same time tendered by the appellant; or proofs of his inability to give such, and sureties for personal appearance.

Rule of proceeding to be observed by the judge, on the receipt of petitions of appeal, with the prescribed security or sureties.

Second. On the receipt of the petition of appeal, with the prescribed security, or sureties for appearance, the judge by whom the same may be received, shall cause a copy or exemplification to be made, of the sentence or decree from which the appeal may be desired; and within fifteen days, or as soon as the exemplification of the judgment appealed from can be prepared, shall certify and transmit the same, with the petition of appeal, for the information and orders of the Sudder Dewanny Adawlut. That court will then determine whether the appeal be admissible or otherwise, and in the event of its being admitted, shall cause a precept to be issued, under the seal of the court, and the signature of the register, addressed to the judge of the proper court at Chandernagore, or Chinsurah; requiring him, within such time as may be limitted by the precept to call upon the respondent or respondents, in the cause appealed, for his or their answer to the petition of appeal, and to certify and transmit the same to the Sudder Dewanny Adawlut, together with a complete record of all papers received, and of all proceedings held, or orders passed, upon the case in appeal.

Precept to be issued by Sudder Dewanny Adawlut on admitting an appeal.

The judge to comply with the exigency of the precept, or if not able to carry it into execution within the limited period, to certify the same with notice of the period in which a further return will be made.

Third. The judge to whom the precept may be so addressed, shall comply with the exigency thereof, as required; or in the event of his not being able to carry the same into complete execution, within the period limited, shall certify the same to the court of Sudder Dewanny Adawlut; with notice of the period within which a further return will be made of the execution of such precept.

Appellants and respondents not required to attend in person or by vakeel before the Sudder Dewanny Adawlut.

V. *First.* The situation of many of the inhabitants of Chandernagore and Chinsurah, not admitting of their personal attendance on the court of Sudder Dewanny Adawlut, and the native pleaders attached to that court, not being conversant in the

languages

languages in which it has been usual to hold the judicial proceedings in the courts of justice at those settlements, it shall not be required, either from appellants, or respondents, to attend in person, or by vakeel, at the court of Sudder Dewanny Adawlut, for the prosecution or defence of appeals in that court. But if any reference to the parties should be found necessary by the court, or if occasion should arise for any pleading or petition of either party, in addition to the petition of appeal and answer, for which provision is made by the preceding section, such reference shall be made, and pleading or petition received, in like manner, through the judge of the court, in which the sentence or decree appealed from may have been passed; unless the court of Sudder Dewanny Adawlut shall, in any instance, see reason to adopt a different mode of reference to parties in appeals before them; or unless both parties, in any pending appeal, shall, of their own accord, appear personally before that court, or shall appoint one or more of the established pleaders of the court, to appear for them; in which cases the court of Sudder Dewanny Adawlut may refer to the appellant or respondent, or receive pleadings or petitions form either of them, in person, or through their appointed pleaders, as shall be judged proper.

Rule to be observed if any reference to parties should be found necessary by the Sudder Dewanny Adawlut, or if occasion should arise for any pleading, or petition, on appeals to that court, in addition to the petition of appeal and answer; and the parties may not be in attendance, or have appointed an established pleader.

Second. The court of Sudder Dewanny Adawlut are also empowered to receive from any party attending the court in person, or through any of the established pleaders of the court, or on reference to the court, by order of the Governor General in Council, any petitions relative to causes, or matters of judicial cognizance, depending before or decided by the judge at Chandernagore, or Chinsurah, and to issue such orders thereupon, as may appear necessary and proper; so that the same be consistent with the general principles and provisions of this Regulation.

Court of Sudder Dewanny Adawlut authorized to receive from parties, or through established pleaders, or on reference from government, petitions relative to any matters of judicial cognizance depending before, or decided by the judge at Chandernagore or Chinsurah, and to issue orders thereupon.

VI. In cases wherein it may appear to the court of Sudder Dewanny Adawlut that the cause in appeal has not been sufficiently investigated, and consequently that further evidence is required for the just determination of it, that court is empowered to refer the cause back for further trial and judgment to the court in which it may have been originally tried; or in which it may have been heard in appeal; or to direct that the further evidence required be taken and transmitted by the judge at Chandernagore, or Chinsurah, as may be deemed by the court most conducive to justice, and the convenience of the parties.

Court of Sudder Dewanny Adawlut authorized to refer back for further trial and judgment, any cause in appeal not sufficiently investigated; or to direct the taking and transmission of further evidence.

VII. All process of whatever description, and every rule or order, which may be issued by the Sudder Dewanny Adawlut, relative to appeals to that court under this Regulation, or relative to any petitions preferred to that court, or referred to it by the Governor General in Council, concerning any cause or matter of judicial cognizance, depending before, or decided by the courts of justice at Chandernagore, or Chinsurah, shall be addressed to the judge of the proper court, who is hereby required to con-

All process issued by the court of Sudder Dewanny Adawlut to be addressed to the judge of the proper court, who is directed to conform thereto, or to certify why he has not carried it into execution.

form

form to all process, rules, and orders, which may be so addressed to him, under the seal of the court and the signature of the register, and to perform the exigency thereof, within the time limited for the execution of all such process, rules, and orders, or to certify good and sufficient reason why the same has not been carried into execution, as required.

The same laws and usages as govern the decisions of the courts of justice at Chandernagore and Chinsurah, to govern the decisions of the Sudder Dewanny Adawlut in all appeals under this Regulation. Particular law or usage which may have influenced the judgment, if not referred to in the decree, to be certified, with the record of the cause, to the Sudder Dewanny Adawlut, which court may also require evidence of any local usage

VIII. The laws and usages which govern the decisions of the courts of justice established at Chandernagore, and Chinsurah, shall also govern the decisions of the court of Sudder Dewanny Adawlut in all appeals under this Regulation. The particular law, or usage, which may have influenced the original judgment, if not specifically stated or referred to, in the sentence or decree, shall be certified with the record of the cause transmissible to the Sudder Dewanny Adawlut in pursuance of Clause Second, of Section IV. That court may also require evidence of any local usage, which has reference to the case in appeal, and may not appear to have been sufficiently established by the proceedings held upon it.

The Regulations in force, or which may hereafter be enacted, for the general administration of civil justice in the British provinces, declared not to be applicable to appeals under this Regulation; unless fully consistent with the provisions of it.

IX. The Regulations which have been enacted, or which may be hereafter enacted, for the general administration of civil justice in the British provinces, under this presidency, and particularly for the guidance of the Sudder Dewanny Adawlut, shall not be considered applicable to the appeals intended to be provided for by this Regulation, except as far as they may be fully consistent with the provisions contained in it; and may be, in all respects, applicable to such appeals.

But principles of the general Regulations in force, declared applicable to the powers and authority of the Sudder Dewanny Adawlut.

In cases not affecting the rights of parties however. and particularly as far as respects the powers and authority of the Sudder Dewanny Adawlut over the provincial, zillah, and city courts of civil justice, the principles of the general Regulations in force, shall be considered applicable to the courts of civil justice established at Chandernagore and Chinsurah.

The court of Sudder Dewanny Adawlut empowered to frame rules of practice, and to prescribe an observance of them to the courts of justice at Chandernagore and Chinsurah.

X. The court of Sudder Dewanny Adawlut is empowered to frame such rules of practice, as may be found most convenient for carrying into full effect the several provisions of this Regulation; and also to prescribe an observance of the same to the courts of justice at Chandernagore and Chinsurah.

No institution fee to be levied on appeals to the Sudder Dewanny Adawlut under this Regulation, nor stampt paper requisite for the pleadings or decrees thereupon. But litigious, groundless, or vexatious appeals declared punishable by a fine to government.

XI. No institution fee shall be levied upon appeals preferred to the Sudder Dewanny Adawlut under this Regulation; nor shall it be requisite to use stampt paper for the pleadings or decrees upon such appeals; but in the event of its appearing to that court, on consideration of the proceedings held upon the case, that the appeal is without foundation, and evidently vexatious or litigious, it shall be punishable by a fine to government, proportionable to the circumstances of the case, and the condition of the party, to be determined by the court of Sudder Dewanny Adawlut. Any instance of contempt of court, or other personal misconduct, in the course of any judicial proceeding before that court, or any contempt

Contempts of court or other personal misconduct in any judicial proceed-

tempt of the established courts of justice at Chandernagore and Chinsurah shewn by the parties in appeals from those courts, or by any person whatever amenable thereto, in any pleading, petition, or other communication to the Sudder Dewanny Adawlut, shall also be punishable by a fine to government to be adjudged by that court. And whenever a fine imposed under this section may not be paid by the party, or be recoverable from his property or security, he shall be liable to close imprisonment in commutation of the fine so imposed, for such period, not exceeding six months, as may be ordered by the court of Sudder Dewanny Adawlut.

ing, also punishable by fine, and parties liable to imprisonment, not exceeding six months, when the fine imposed upon them, may not be paid, or be recoverable from their property or securities.

XII. *First.* In cases of appeal to the Sudder Dewanny Adawlut, the sentence or decree appealed from shall not be carried into execution, during the appeal to that court, provided the appellant shall give good and sufficient security for the performance of the final decision, which may be passed upon the appeal; unless in any particular case, upon the report of the judge at Chandernagore or Chinsurah, or from other information before the Sudder Dewanny Adawlut, that court shall deem it just and necessary to order the immediate execution of the judgment appealed from. But, to prevent an abuse of this rule, whenever the court of Sudder Dewanny Adawlut may confirm the decree appealed from, and such decree may not have been executed during the appeal, interest at the rate of one per cent per mensem, shall be adjudged to the respondent, upon all sums receivable by him under the judgment in his favor, from the date on which such judgment may have been passed, together with any costs which may have been incurred by him upon the appeal.

Execution of decrees to be suspended during appeals to the Sudder Dewanny Adawlut provided the appellant give sufficient security for the performance of the final decision. Exception.

Provisions to prevent an abuse of the above rule.

Second. In the event of the appellants not giving sufficient security for staying the execution of the sentence or decree appealed from, and of its being consequently put in execution, as well as in cases wherein the court of Sudder Dewanny Adawlut may direct the execution of a judgment appealed from, before a final determination upon the appeal, good and sufficient security shall be taken from the respondent for the performance of the final decision which may be passed upon the appeal; and until such security be received, the respondent shall not be put in possession of any part of the property, or amount, adjudged to him.

Decree to be carried into execution, if the appellant fail to give security, or in cases wherein the Sudder Dewanny Adawlut may direct the same, and security to be taken from respondent for the performance of the final decision.

Third. In case neither party shall be able to give the requisite security, the property in dispute, if land, house, or other property capable of attachment, or if the judgment be for money, any property liable to attachment and sale for the recovery of it, shall be attached by order of the court in which the judgment appealed from, may have been passed until the security required be received; or until a final determination be passed upon the case: and any perishable property attached in such cases may, with the sanction of the Sudder Dewanny Adawlut, be converted into money by public sale.

Rule to be observed if neither party be able to give security.

XIII.

Judgments of Sudder Dewanny Adawlut declared final and conclusive, within the limitation prescribed by the Statute of the 21st George III. Cap. 70. Judgments exceeding fifty thousand current rupees, exclusive of costs, appealable to the King in Council, such appeals to be received by the Sudder Dewanny Adawlut under the provision of Regulation XVI, 1797.

XIII. The judgments of the Sudder Dewanny Adawlut shall be final and conclusive in all appeals heard and determined by that court, under this Regulation, within the limitation prescribed by the Statute of the 21st George III, Cap. LXX, Section XXI; viz. five thousand pounds; or fifty thousand current rupees. If the amount or value adjudged shall, exclusive of costs of suit, exceed the sum of five thousand pounds, or fifty thousand current rupees, a further appeal will be open to his Majesty in Council, and shall be received by the Sudder Dewanny Adawlut, under the provisions which have been enacted for receiving such appeals, in Regulation XVI, 1797.

Superintendant of Chandernagore and commissioner at Chinsurah to cause this Regulation to be translated into the French and Dutch languages and to be published for general information.

XIV. The superintendant at Chandernagore and commissioner at Chinsurah, on the receipt of this Regulation, shall cause it to be exactly translated into the French and Dutch languages, and to be published in the courts of justice, at those settlements, as well as in such other places, and in such manner, as may be customary, for general information.

A. D. 1805. REGULATION II.

A REGULATION *to explain the existing limitations of time for the cognizance of suits in the civil courts of justice; to provide further limitations with respect to certain suits, regular and summary; and to make other provisions, relative to the admission and trial of original suits, and of appeals.*—PASSED *by the Governor General in Council, on the* 18*th February* 1805; *corresponding with the* 8*th Phaugun* 1211 *Bengal era; the* 5*th Phaugun* 1212 *Fusly; the* 8*th Phaugun* 1212 *Willaity; the* 5*th Phaugun* 1861 *Sumbut; and the* 17*th Zekaad* 1219 *Higeree.*

BY Section XIV, Regulation III, 1793, the zillah and city courts are prohibited from "hearing, trying or determining the merits of any suit whatever "against any person or persons if the cause of action shall have arisen previous "to the 12th August 1765," (the date of the Company's accession to the dewanny of the provinces of Bengal, Behar and Orissa); "or any suit whatever, against "any person or persons, if the cause of action shall have arisen twelve years be- "fore any suit shall have been commenced on account of it; unless the complain- "ant can shew, by clear and positive proof, that he had demanded the money or "matter in question, and that the defendant had admitted the truth of the demand, "or promised to pay the money," (within the last twelve years, so as to constitute a new ground of action within the limited period), "or that he directly pre- "ferred his claim within twelve years," (after the origin of the cause of action) "for the matters in dispute, to a court of competent jurisdiction to try the de- "mand: and shall assign satisfactory reasons to the court why he did not proceed "in the suit; or shall prove that either from minority or other good and sufficient "cause he had been precluded from obtaining redress:" the same prohibitions have been extended to the province of Benares by Section VIII, Regulation VII, 1795, with certain exceptions specified in that section; and with the substitution of the date of 1st July 1775, (being the date of the cession of that province to the Company;) beyond which no retrospective claims are judicially cognizable therein, except those of dispossessed zemindars, in certain cases, under a provision made with the concurrence of the Rajah of Benares as stated in Clause Fifth, of Section VII, Regulation I, 1795. By Clause First, of Section XVIII, Regulation II, 1803, the courts of adawlut, which have been recently established in the provinces ceded by the Nawaub Vizier to the Company on the 10th November 1801, "are prohi- "bited from hearing, trying or determining any civil suit whatever, if the cause of "action shall have arisen at a period, being twelve years antecedent to the date on

which

" which the petition for the institution of such suit shall be presented to the court." But this rule, which is explained and restricted by Clause Second of the above section, is to remain in force only until the period of twelve years, shall have elapsed from the date of the cession of the said provinces, after which, by Clause Third of the section abovementioned, the same rules of limitation have been prescribed for the ceded provinces, as in the other provinces; with the substitution of the 10th day of November 1801, as the limit of judicial cognizance in the ceded territory, after twelve years from that date. The period of twelve years, adopted in all these provisions, appears to have been established when the administration of civil justice was first committed to the servants of the Company, on the institution of courts of dewanny adawlut in the year 1772: and in the plan for the administration of justice then proposed by the committee of circuit (which was a-dopted by government on the 21st August 1772). It is remarked, that " by the " Mahomedan law, all claims which have lain dormant for twelve years, whether " for land, or money, are invalid: this also is the law of the Hindoos; and the " legal practice of the country." This observation does not appear to be correct with respect to the Hindoo and Mahomedan laws; though it may have been so with regard to the legal practice of the country; and whether previously established or not, the rule having now been in force above thirty years it would be improper to abrogate it. The declared grounds, however, on which this limitation was introduced viz. " the litigiousness and perseverance of the natives of this country in " their suits and complaints, often productive not only of inconvenience and vex- " ation to their adversaries, but also of endless expense and actual oppression;" are not applicable to suits for the recovery of the public rights and dues which may be instituted on the part of government, under the provisions made by the Regulations for subjecting the public claims and interests to the cognizance and decision of the established courts of justice. For such suits and claims, the unlimited time heretofore allowed by the laws of England, (as by those of the Hindoos) has been latterly restricted to a period of sixty years; being the largest period fixed for the judicial cognizance of the claims of individuals in particular cases. This period is recognized by the provisions of the Hindoo law in regard to individuals; and is not incompatible with those of the Mahomedan law. Under the former, it is applied to private rights and claims in cases of unmolested possession unless there be proof of a bad title, and the distinction between *bonâ fide* possession under a title believed by the possessor to be good and sufficient, and *malâ fide* possession, obtained by fraud or violence, has been taken in the Hindoo law, as in the laws of other countries, wherein long and peaceable possession is held and admitted to establish a right of possession and property; or at least to bar any legal claim of redress against the possessor. The period of time required to establish a right of usucaption and prescription has been different, under different legal pro-

visions,

visions, and being arbitrary, the Governor General in Council does not judge it necessary to alter the period which has been so long established in these provinces, under certain exceptions and provisions for minority, and other good and sufficient cause of delay in the judicial prosecution of demands of right beyond that period. But it is proper that the limitation of twelve years, (with such exceptions and provisions) should be restricted, in cases of land, houses, or other permanent immoveable property, to possession under a just and honest title, and that a longer period should be allowed for the cognizance of claims of right to such property, if the claimant can shew, by sufficient proof, that the person in possession acquired the same by violence, fraud, or by any other unjust and dishonest means: or that the property claimed was so acquired by any other person, from whom the actual occupant has derived his title; and has not been subsequently held under a just and honest title during the fixed period of prescription for *boná fide* possession: it is further requisite that a limitation of time should be fixed for the delivery of applications to the courts of justice to obtain the summary inquiry and process, which has been authorized by the Regulations, in cases of arrears of rent, due to proprietors and farmers of land from their under-tenants; of forcible dispossession from land, crops, or other property; and of the unlicensed sale or manufacture of intoxicating liquors or drugs, for which a penalty is recoverable by summary process in the civil courts; as well as in other instances wherein a summary process is authorized by the Regulations; or penalties, or penal damages, are sanctioned by them; and declared to be recoverable by judicial process. Moreover the limitation of time for preferring appeals to the several courts of judicature possessing appellate jurisdiction, has been found in some instances too short, from unavoidable delay in delivering copies of the decrees given against parties not personally present; and, in cases wherein government has been a party from the further delay that has occurred, in the transmission of a copy of the decree, through the usual official channel, to the Governor General in Council, whereby the public rights and interests have been liable to suffer injury. To provide therefore more effectually for securing the rights of the public, and of individuals, in the several cases herein recited, as well as to make further provision for the due administration of justice in other cases, connected therewith, as hereinafter specified, His Excellency the Most Noble the Governor General in Council has enacted the following Regulation, to be in force, as soon as promulgated, in the provinces of Bengal, Behar, Orissa, and Benares; and in the provinces ceded to the Honorable the English East India Company, by the Nawaub Vizier. (a)

(a) Extended to the conquered provinces situated within the Doab, and on the right bank of the river Jumna, and to the territories ceded in Bundlecund by the Peishwa, by Regulation VIII of 1805; to the zillah of Cuttack, and the purgunnahs of Puttaspore, Kummardichour and Bograe, (excepting those parts which have been exempted from the operation of the general Regulations) by Regulation XIV, of 1805, Section XI; and to the purgunnahs of Sonk, Sonsa and Sahar, annexed to the zillah of Agra, by Regulation XII, of 1806, Section III.

II.

Limitation of twelve years for commencement of civil suits, prescribed by existing Regulations, not applicable to any public claims, instituted, on the part of government, by persons duly authorized.

II. *First.* The limitation of twelve years for the commencement of civil suits, under certain provisions and exceptions, which, in pursuance of former rules and practice, has been continued and prescribed by Section XIV, Regulation III, 1793: Section VIII, Regulation VII, 1795: and Section XVIII, Regulation II, 1803: shall not be considered applicable to any suits for the recovery of the public revenue, or for any public right or claim whatever, which may be instituted by, or on behalf of government, with the sanction of the Governor General in Council; or by direction of any public officer or officers, who may be duly authorized to prosecute the same on the part of government.

All claims on the part of government, for the cognizance of which no special rule may be in force, declared cognizable, under the Regulations, if duly preferred within sixty years, from the origin of the cause of action;

Second. All claims on the part of government, whether for the assessment of land held exempt from the public revenue without legal and sufficient title to such exemption, or for the recovery of arrears of the public assessment, or for any other public right whatever, (the judicial cognizance of which may not have been otherwise limited by some special rule or provision in force) shall be heard, tried, and determined in the several courts of civil justice, to which the cognizance thereof may properly belong, under the general Regulations which have been or may be hereafter enacted, if the same be regularly and duly preferred at any time within the period of sixty years from and after the origin of the cause of action: provided that such cause of action shall not have originated within the provinces of Bengal, Behar, and Orissa, before the 12th August A. C. 1765; or within the province of Benares before the 1st July A. C. 1775, or within the provinces ceded by the Nawaub Vizier before the 10th November A. C. 1801; (*b*) being the periods of the Company's accession to the civil government of the above provinces respectively.

Provided the cause of action shall not have arisen before the period of the Company's accession to the civil government of the several provinces specified.

Limitation of twelve years also declared not applicable to private claims of right to immovable property, if the person in possession shall have acquired possession by violence, fraud, or other unjust, dishonest means.

III. *First.* The limitation of twelve years fixed by Section XIV, Regulation III, 1793, Section VIII, Regulation VII, 1795, and Section XVIII, Regulation II, 1803, shall also not be considered applicable to any private claims of right to lands, houses, or other permanent immovable property; if the person or persons in possession of such property when the claim of right thereto may be preferred in a competent court of judicature, shall have acquired possession thereof by violence, fraud, or by any other unjust, dishonest means whatever; or if such property shall have been so acquired by any other person or persons from whom the actual occupant or occupants may have derived his or their title, and shall not have been subsequently held under a just and honest title (such as inheritance, purchase, fair donation, or any other fair title believed to have conveyed a right of possession and property) during a period of twelve years antecedent to the time of preferring a claim of right thereto

Or if the person, from whom the actual occupant derived his title, shall have acquired possession by such means; and the property may not have been subsequently held, under a fair title believed to convey right, for twelve years.

(*b*) Or the 30th December, 1803, in the conquered provinces situated within the Dooab, and on the right bank of the river Jumna; or the 16th December, 1803, within the territories ceded in Bundlecund by the Peishwa. See Regulation VIII, of 1805, Section VI, Clause II. Or the 14th October, 1803, within the zillah of Cuttack, and the purgunnahs of Puttaspore, Kummardichour and Bograe. See Regulation XIV, of 1805, Section VIII. Or the 17th April, 1805, within the purgunnahs of Sonk, Sonsa and Sahar, annexed to the zillah of Agra. See Regulation XII, of 1806, Section IV. Or the 1st May, 1816, within the purgunnahs of Handya, annexed to the zillah of Allahabad. See Regulation XVIII, of 1816, Section III.

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in a competent court; provided that such violent, fraudulent, unjust or dishonest acquisition be established to the satisfaction of the court in which the claim may be preferred; or, if the suit be appealable, to the satisfaction of the proper court of appeal.

Provided that such violent, fraudulent, unjust or dishonest acquisition be established.

Second. In all such cases, viz. when the original cause of action may have arisen more than twelve years before the institution of the suit, and the claim may not be cognizable under the exceptions and provisions contained in the Regulations and sections above cited, but may be nevertheless cognizable under the provisons made by the preceding clause, from the defendant's having acquired possession of the claimed property by violence, fraud, or other unjust and dishonest means; or from the property after being so acquired by any other person not having been subsequently held by the present occupant and his predecessors under a just and honest title during the prescribed period of twelve years; the plaintiff shall set forth the same distinctly, either in his petition of plaint; or in his replication. The court, after taking the answer and rejoinder of the defendant, shall if the alleged unjust and dishonest acquisition be denied by the defendant, examine any evidence that may be adduced by the plaintiff in proof of his allegation; as well as any evidence that may be brought by the defendant to prove his just and honest acquisition of the property claimed, or the just and honest possession thereof by himself and his predecessors during more than twelve years; after which the court shall determine whether the suit in question be cognizable under the present rule and section or otherwise; and if such determination be in favor of the plaintiff; or in appealed cases, if a determination for the cognizance of the suit be passed by the court of appeal; the merits of the plaintiff's claim of right shall be heard, tried, and determined, notwithstanding the lapse of time, in like manner as if the claim had been regularly preferred within twelve years after the origin of the cause of action.

Mode of proceeding to be observed in the cases provided for by the preceding clause.

Plaintiff to set forth the circumstances of unjust or dishonest acquisition in his plaint or replication.

Evidence to be taken from both parties, if the allegation be denied by the defendant.

Determination to be passed by the original court, and by the court of appeal, in appealed cases.

And claim of right, if declared cognizable, to be tried and determined, as if preferred within twelve years after the origin of the cause of action.

Third. Provided, that nothing in the preceding clause of this section, or in any part of the existing Regulations, shall be held to authorize the cognizance of any suit whatever in any court of justice, if the cause of action shall have arisen sixty years before the institution of such suit: nor shall any plea on the part of the plaintiff for the non-prosecution of his claim of right during a period of sixty years after the origin of his alleged cause of action, nor any original defect of title on the part of the possessor of the property claimed after the lapse of such period; be deemed sufficient ground for taking judicial cognizance of any suit so preferred. Moreover, although the property claimed may have been acquired by an insufficient title within the period of sixty years, hereby fixed as the utmost limit for the cognizance of any claims in the established courts of justice, if the property so acquired shall have descended by inheritance to the person in possession when the claim thereto may be preferred after a lapse of twelve years; or if such person shall have obtained just and honest

No suit whatever to be held cognizable, in any court of justice, if the cause of action shall have arisen sixty years before the institution of it.

Clauses first and second of this section further declared inapplicable to any private claims to property acquired by an insufficient title within sixty years, if held by the actual occupant in his behalf, or by the persons from whom he may have obtained it without molestation and under a de-

...believed to be just and valid during twelve years antecedent to the institution of the suit.

honest possession thereof by purchase, fair donation, or by any other title believed to be just and valid, and not appearing to be in any respect collusive for the purpose of depriving the plaintiff of his right, and either such occupant himself, or any other person in his behalf, or from whom the property may have been obtained, under any of the titles aforesaid, or the whole in succession shall have held quiet and unmolested possession, under a title believed to be just and valid, during a period of twelve years antecedent to the time of a claim thereto being preferred in a competent court; the provisions made by Clauses First and Second, of this section, shall not be considered applicable to any private claims to property so circumstanced, which are therefore to be deemed inadmissible as heretofore after twelve years from the origin of the cause of action, unless the same be cognizable under the exceptions and provisions already in force.

Provisions already in force, as stated in clause second, of this section, applicable to all such cases.

Further provision for cases of mortgage and deposit.
No length of time to bar the cognizance of suits for the recovery of property in such cases.

Nor in any case wherein the possession shall not have been under a title believed to have conveyed a right of property to the possessor.

Fourth. Provided further, that no length of time shall be considered to establish a prescriptive right of property, or to bar the cognizance of a suit for the recovery of property, in cases of mortgage, or deposit, wherein the occupant of the land or other property may have acquired, or held possession thereof as mortgagee or depositary only, without any proprietary right; nor in any other case whatever wherein the possession of the actual occupant, or of those from whom his occupancy may have been derived, shall not have been under a title *bonâ fide* believed to have conveyed a right of property to the possessor.

Explanation of provisions of existing Regulations for summary process to recover arrears of rent.

IV. *First.* The provisions contained in Section XV, Regulation VII, 1799; Section XIV, Regulation V, 1800; and Section XXXII, Regulation XXVIII, 1803; for the arrest of defaulting under-tenants, and their sureties from whom arrears of rent may be due to proprietors and farmers of land, and for a summary inquiry to be made by the judges of the zillah and city courts when the parties so arrested for arrears of rent may be brought before them, are from the terms and objects of such provisions evidently intended to be applicable only to recent arrears of rent, due in the course of the current year, or immediately after the close of it; and it is hereby declared, that the summary inquiry and process authorized by the above Regulations shall not be applied to any arrear of rent, or other demand which may have been due more than a complete year, before the delivery of the petition of arrest, and application for such summary inquiry and process, as directed by the Regulations above cited. Provided however, that this restriction shall not be considered to preclude the judges of the zillah and city courts, (or their registers, or the collectors, to whom such inquiry may be committed by them,) from including in the adjustment of recent arrears in such cases, any arrear which may be found due beyond the period of one year, if the same shall appear equitable. (c)

Applicable to recent arrears of rent only.

And not to be applied to any demands due for more than a complete year before the application for such process.

But judges, registers, and collectors, in the adjustment of arrears, in such cases, may include arrears due for more than one year, if it appear equitable.

(c) *Construction by the Sudder Dewanny Adawlut; 21st February*, 1807. The process of distraint was primarily intended to enable landholders and farmers of land to realize their rents for the current year with punctuality; but the Regulations do not restrict the process of distraint from being employed for arrears of a former year, provided the person upon whom the distress is levied, continue to be an under-tenant of the distrainer.

Second.

Second. The rule of limitation prescribed by the above clause is also hereby extended to applications for summary process by landholders and farmers, against their agents employed in the management of their estates and farms, or in the collection of their rents, under the provisions made by Section XX, Regulation VII, 1799, Section XIX, Regulation V, 1800, and Section XXXVII, Regulation XXVIII, 1803; which authorize such process for the arrest and imprisonment of the agents of landholders and farmers, whilst in their service, or immediately after the resignation or dismission of agents of the above description, on account of demands for money in their hands, or for accounts which they may refuse to render, or for any matter relating to the discharge of their respective trusts.

Limitation in above clause extended to applications for summary process by landholders and farmers against their agents, under existing Regulations.

V. The provisions contained in Regulation XLIX, 1793, Regulation XIV, 1795, and Regulation XXXII, 1803, for preventing affrays respecting disputed boundaries, crops, and other property, (whereby the judges of the zillah and city civil courts, are directed to take immediate cognizance of complaints of forcible dispossession; and upon the previous possession of the complainant being proved to their satisfaction, to cause the disputed land, crops, or other property, of which he may have been forcibly dispossessed, to be restored to him without enquiring into the merits of the claim of the dispossessor,) were likewise evidently intended to provide for the immediate cognizance of complaints of forcible dispossession, preferred at the time of such dispossession, or as soon afterwards as circumstances might admit. But no period having been limited for such complaints; it is hereby declared, that the summary inquiry and restoration to possession authorized by the Regulations abovementioned, shall be restricted to cases of forcible dispossession which may be complained of to the proper zillah or city court, within three months after such dispossession shall have taken place; unless it be clearly shewn and established, that the complainant was prevented by good and sufficient cause from preferring his complaint, either in person, or by his representative within that period.

Explanation of provisions in existing Regulations for preventing affrays respecting disputed boundaries, crops, or other property.

Summary inquiry and restoration to possession restricted to cases of forcible dispossession, which may be complained of within three months after such dispossession.

Unless it be shewn that sufficient cause prevented the complaint being preferred within that period.

VI. All suits, complaints, and informations, cognizable by the civil courts of judicature, for the recovery of any fine or penalty receivable by government, or by the informer, on account of the unlicensed manufacture or sale of intoxicating liquors or drugs; the illicit manufacture or sale of salt or opium, the fraudulent evasion of the stamp duties prescribed by the Regulations, or on account of any other fines or penalties recoverable, either by a regular suit or by summary process, in the courts of dewanny adawlut, under any Regulation in force which may not have fixed a specific period for the recovery thereof, shall be preferred to the proper courts, in such manner as the Regulations require, within one year after the act, for which the fine or penalty may be demandable, shall have been committed; and no such suit, complaint or information (not otherwise specially provided for,) shall be admitted and proceeded

All suits, complaints and informations, for fines or penalties, receivable by government or by the informer, under the Regulations for the recovery of which no specific period may have been fixed, to be preferred within one year after the act for which the fine or penalty may be demandable.

No such suit, complaint, or information, to be ad-

Instituted after the prescribed period; unless prosecuted on the part of government, and sufficient cause be assigned for the delay.

proceeded upon in any court of justice after the period prescribed; unless the same be prosecuted on the part of government, and good and sufficient cause be assigned why it has not been brought forward to judicial cognizance within one year after the commission of the act whereupon the fine or penalty sued for is demandable.

Suits and complaints for penal damages allowed by the Regulations to individuals, and for the recovery of which no specific period may have been fixed, to be also preferred within one year after the cause of action shall have arisen; or as soon afterwards as possible.

VII. All suits and complaints for penal damages (viz. for pecuniary penalties on account of any act or omission, in opposition to the Laws and Regulations exclusive of a compensation for actual losses); in cases wherein such damages are allowed by the Regulations to individuals, and for the recovery of which by judicial process no specific period may have been fixed, are also required to be preferred to the proper courts of justice, within one year, after the cause of action shall have arisen, or as soon afterwards as it may be in the power of the party aggrieved to prefer the same,

No such suit or complaint to be received, after one year, without sufficient cause why it was not prosecuted at an earlier period.

and no such suit or complaint shall be received and proceeded upon in any court of justice, after the expiration of one year from the time when the alleged cause of action may have arisen without good and sufficient cause being assigned why the

But this restriction is not applicable to any suits for the recovery of property, or the value of property, appertaining to the plaintiff; or to suits for compensation or indemnification on account of damage to, or loss of property.

The general rules of limitation, as in other suits for recovery of private rights, to be applied in such cases.

same has not been judicially prosecuted at an earlier period: Provided, that this restriction be understood to be strictly applicable to claims to penal damages only (as above described) and be not considered applicable to any suits for the recovery of the property, or for the value of property, appertaining to the plaintiff; or for a compensation or indemnification on account of any damage to, or loss of property actually sustained by the plaintiff; in all which cases the general rules of limitation, are to be applied, as in other suits of individuals for the recovery of their rights in the civil courts.

Periods for preferring appeals limited by the existing Regulations to be calculated from the delivery, or tender, of the decree appealed from, to the appellant or his vakeel, as directed by the Regulations.

VIII. The copies of decrees passed by the civil courts of justice not being always prepared in time to be delivered or tendered in open court to the parties; or their vakeels, within ten days after passing the decree, as directed in Section XXVI, Regulation IV, 1793; (extended to Benares by Regulation VIII, 1795;) and in Section XXVII, Regulation III, 1803; (for the ceded provinces), and such delivery or tender of the decrees of the zillah courts being sometimes delayed, from unavoidable causes till nearly, or even until after, the expiration of the period limited for appeals; whereby the parties who may not be present when judgments are passed against them in the civil courts, are precluded from having the proper means of determining whether to appeal from such judgments, or otherwise; it is hereby provided that the period of three months, which is limited by the existing Regulations for appeals from the decisions of the zillah and city courts to the provincial courts of appeal, and from the decisions of the latter courts to the court of Sudder Dewanny Adawlut, as well as the period of one month limited for appeals from the decisions of the registers and native commissioners to the judges of the zillah and city courts, and the period of six months limited for receiving appeals from the judgments of the courts of Sudder Dewanny Adawlut to his Majesty in Council, shall be calcu-

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lated respectively, from the date on which a copy of the decree appealed from may have been delivered, or tendered in open court, to the appellant or his vakeel, as directed by the Regulations abovementioned; or, in the event of neither the party or his vakeel being present to receive a copy of the decree, when ready to be delivered to him, the calculation shall be from the date on which the cause of the non-delivery of the decree may be noted upon the copy prepared for delivery, under the official signature of the judge, register, or native commissioner, as provided for by the Regulations in such cases. The rule prescribed to the judges and registers of the zillah and city courts, for endorsing on the copies of decrees delivered or tendered by them, as well as inserting in their records, the date of delivering or tendering such copies, is also to be carefully observed by the native commissioners, that the exact period of such deliveries or tenders may be at all times ascertainable; and the judges are to communicate this rule to the native commissioners within their respective jurisdictions, for their information and guidance. *(d)*

Rule prescribed to the zillah judges and registers for endorsing and recording the date of delivering, or tendering copies of decrees, to be also carefully observed by the native commissioners.

IX. In all original suits, or appeals, wherein government may be one of the parties, the court which may pass judgment, whether for or against government, shall in addition to the copies of decrees required by the existing Regulations to be delivered to the parties; transmit a copy of the decree, as soon as the same can be prepared, to the secretary to the government in the judicial department, for the information of the Governor General in Council. Such copies of decrees are not required to be upon stampt paper; but are to be duly authenticated by the official seal and signature of the judges, by whom the same may have been passed; and are to be accompanied with an English translation. *(e)*

In suits and appeals wherein government may be one of the parties, a copy of the decree to be sent, as soon as it can be prepared, to the secretary to government in the judicial department.

Such copies of decrees not required to be upon stampt paper, but to be duly authenticated, and accompanied with translations.

X. *(f)* *First.* The power which has been vested in the provincial courts of appeal by Section XXIV, Regulation XLIX, 1803, to admit a special appeal from the decrees of the zillah and city courts in cases wherein a regular appeal may not lie to them; if on the face of the decree, or from any information before the court of appeal, it shall appear to them erroneous or unjust, or if from the nature of the cause, as stated in the decree, or otherwise, it shall appear to them of sufficient importance

Power of admitting a special appeal, in certain cases, which has been vested in the provincial courts by Section XXIV, Regulation XLIX, 1803, declared to be equally vested in the court of Sudder Dewanny Adawlut, with respect to decrees passed by the provincial courts, not open to the regular appeal.

(d) Modified by Regulation XXVI, of 1814, Section VIII, Clause X, which explains how the limitation of time for the admission of appeals is to be calculated. See the Circular Orders of the dewanny adawlut, new edition, page 39, No. 6, Head—APPEALS AND REFERENCES, for a construction of this Section.

(e) *Quere.* Inconsequence of the provisions of Regulation II, of 1814, is not the requisition in this Section become superfluous?

(f) This Section is declared to be modified by Regulation XXVI, of 1814, Section II, Clause I, but stands more in the situation of one that is superseded or repealed, than modified. It enacts no new rules, but merely extends and refers to the provisions of antecedent Regulations, which have been expressly rescinded; viz. Regulation XLIX, of 1803, has been rescinded by Regulation XXIII, of 1814, Section II, and by Regulation XXIV, of 1814, Section II; and Regulation II, of 1798, Section II, and Regulation IV of 1803, Section XXX, that is, the second clause of the last mentioned section, referred to in the second clause of the present section, have been rescinded by Regulation XXVI of 1814, Section IV. But whether rescinded or not, Regulation XXVI of 1814, Sections II and IV, shew in what cases, and in what manner, second, or special appeals, and reviews, may be had, granted, and proceeded in.

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to merit a furtherinvestigation in appeal; is hereby declared to be equally vested in the court of Sudder Dewanny Adawlut, with respect to any decrees passed by the provincial courts of appeal, which from the amount or value of the cause of action, may not be open to the regular appeal to that court, but on any of the grounds above stated, may appear to merit a further investigation.

Provisions in clause second, of Section XXIV, Regulation XLIX, 1803, applicable to the authority vested in the Sudder Dewanny Adawlut by the present section.

Second. The provisions contained in Clause second, of Section XXIV, Regulation XLIX, 1803, explanatory and restrictive of the discretionary authority vested in the provincial courts by that section, are to be considered equally applicable to the authority vested in the court of Sudder Dewanny Adawlut by the present section. The provincial courts will consequently be still at liberty to receive petitions, in conformity to Section II, Regulation II, 1798, and Section XXX, Regulation IV, 1803, for the revision of their own judgments, in cases not regularly appealable to the Sudder Dewanny Adawlut: but any petitions for a special appeal to that court, under the preceding clause of this section, are to be presented to the Sudder Dewanny Adawlut, with a copy of the decree of the provincial court, and with the institution fee and security required in other cases of appeal.

Petitions for special appeals to Sudder Dewanny Adawlut to be presented to that court, with a copy of the decree appealed from; and with the institution fee and prescribed security.

Authority vested in the provincial courts by Section IX, Regulation II, 1801, and Clause Twelfth, Section XII, Regulation IV, 1803, extended to cases wherein the zillah and city courts may refuse to admit, hear, and determine, an original suit, on the ground of delay, informality, or other default; or may dismiss it on the ground of some default; without investigation of the merits of the cause.

XI. (g). The authority vested in the provincial courts of appeal by Section IX, Regulation II, 1801, and Clause Twelfth, of Section XII, Regulation IV, 1803, to receive appeals from the decrees and orders of the judges of the zillah and city courts, in all cases wherein the latter may have refused to admit an appeal from the decisions of their registers, or of the native commissioners; on any ground of delay, informality, or other default in preferring it, or after having admitted the appeal, may dismiss it on the ground of some default, without investigation of the merits of the cause, is hereby extended to all cases wherein the judges of the zillah and city courts may refuse to admit, hear, and determine an original suit preferred to them, on the ground of delay, informality or other default in preferring it; or having admitted the suit, may dismiss it on the ground of some default, without investigation of the merits of the cause; and all such cases are accordingly declared appealable to the provincial courts of appeal, whatever may be the amount, or value at issue in the cause. The provisions contained in the sections abovementioned for ordering a trial and determination of the cause upon its merits in the zillah, or city court, if it shall appear to the provincial court that the suit has been rejected or dismissed upon insufficient grounds; as well as for punishing litigious appeals, in the cases therein stated, shall be held equally applicable to the appeals preferred under this section; as shall also the several provisions contained in Section XXVI, Regulation XLIX, 1803, with respect to the receipt of such appeals, without any institution fee; the pleadings and summary proceedings to be held upon them; the notice to be given to respondents;

Provisions in sections above mentioned, and in Section XXVI, Regulation XLIX, 1803, to be held applicable to all appeals under the present section.

(g) Rescinded by Regulation XXVI, of 1814, Section III, Clause I.

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the security to be required from the appellant or respondent; and the fees to be allowed to the pleaders employed in such cases.

XII. The absolute revocation by Sections III and IV, Regulation XII, 1797, of the option given by Section X, Regulation V, 1793, to persons desirous of appealing to the Sudder Dewanny Adawlut, either to present their petitions of appeal to that court, or to the court in which the decree appealed against may have been passed; as well as of the similar option given by Section XII, Regulation V, 1793, with respect to appeals to the provincial courts, from the decrees of the zillah and city courts, having been found productive of inconvenience and hardship, in particular cases wherein the parties from not being fully advised of the rules referred to, have resorted under the option first given, to the courts of appeal; it is hereby declared, in qualification of Sections III and IV, Regulation XII, 1797, as well as of Section XII, (*h*) Regulation IV, 1803, and Section X, Regulation V, 1803; that the court of Sudder Dewanny Adawlut and the several provincial courts of appeal may, *in any particular case*, if they see reason for so doing, receive and admit petitions of appeal, in cases appealable to them respectively under the Regulations, instead of requiring the appellant to present his petition of appeal, in the first instance to the court, in which the judgment appealed from may have been passed. (*i*) Provided however, that the petitions of appeal so received and admitted be accompanied with an authenticated copy of the decree appealed against; as well as with the requisite *institution fee* (*j*) and security for the eventual costs of appeal (in cases wherein such are required by the Regulations,) *and security for vakeel's fees,* (*k*) (if a vakeel be employed;) unless the appellant be a pauper; in which case, to render his petition of appeal admissible, he must conform to the rules prescribed for the admission of appeals *in formâ pauperis*.

Qualification of such part of the existing rules for preferring appeals, as require that the petition of appeal be presented, in all cases, to the court in which the decree appealed from may have been passed.

Court of Sudder Dewanny Adawlut and provincial courts may, in particular cases, receive and admit petitions of appeal, although presented to them in the first instance.

Petitions of appeal, in such cases, to be accompanied with a copy of the decree appealed from, and the requisite institution fee and security.

XIII. To obviate all doubt whether the summary processes authorized by the Regulations herein before specified for the recovery of arrears of rent due to landholders and farmers from their under-tenants; and for recovering the possession of land, crops, or other property, in cases of forcible dispossession; as well as the summary inquiries which are provided for by the Regulations to be made by the judges of the zillah and city courts of dewanny adawlut, in cases of information against unlicensed manufacturers or venders of intoxicating liquors and drugs; and in other similar instances be meant by the Regulations, to be personally and exclusively com-

Explanation, by whom the summary inquiries authorized by the Regulations, for the recovery of arrears of rent, and for the possession of land, crops, or other property, as well as in cases of information against unlicensed manufacturers or venders of intoxicating liquors or drugs, and other similar instances, are to be made.

(*h*) This section is said to be rescinded by Regulation XXVI, of 1814, Section III, which is evidently an error, Clauses XII and XIII, thereof, were only intended to be rescinded.

(*i*) Modified by Regulation XXVI, of 1814, Section VIII, which restores to appellants, the option of preferring their petition of appeal either to the court in which judgment has been passed, or to that in which the appeal is to be tried; provided, in the latter case, the petition of appeal be accompanied by an authenticated copy of the decree appealed from, but not in the former.

(*j*) Or the stamp duty substituted by Regulation I, of 1814, Section XIII, in lieu of the institution fee.

(*k*) A deposit is now required, equal to the amount of the vakeel's fees, instead of security. See Regulation XXVII, of 1814, Section XXIII.

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mitted to the judges of the above courts (*and to the assistant judges where any may have been appointed under Regulation XLIX*, 1803;) (*l*) or be referrible in common with regular suits, to their registers; it is hereby explained, that all such summary inquiries and processes are to be conducted, as far as practicable, by the judges (*and assistant judges*) (*l*) in person; with the assistance of the collectors in adjusting accounts of arrears of rent between proprietors and farmers of land, and their under-tenants, as expressly authorized by Section XV, Regulation VII, 1799, and Section XXXII, Regulation XXVIII, 1803; but that whenever, from the urgency of other depending causes and business before the zillah and city judges (*and the assistant judges*) (*l*) they may not be able to make the summary inquiries above noticed with the expedition requisite in such cases, they are authorized to refer the same to their registers, to proceed thereupon according to the Regulations; provided that the cause of action be such as would be referrible to their registers in a regular suit, under the rules prescribed for such references, and provided also that the judge, who may have referred any such case for summary inquiry by his register, may at any time recal the same if he should see occasion for it; or, if he should subsequently find time to investigate the case himself. The judge is likewise empowered in any particular case which may appear to require it, to revise and amend any order passed by his register in such cases, on representation from the parties, or otherwise. (*m*)

Such summary inquiries to be conducted, as far as possible, by the judges (and assistant judges) in person; with the assistance of the collectors in adjusting accounts of arrears of rent.

But the judges are authorized to refer such cases to their registers, when they may not be able to make the inquiry themselves, with the requisite expedition; provided the cause of action be such as would be referrible to their registers in a regular suit.

The judge may, at any time, recal such references to his register, and investigate the same himself.

And may, in particular cases, appearing to require it, revise and amend the order passed by the register.

XIV. *First.* The explanation contained in the preceding section is not of course meant to restrict the power of the zillah and city registers to conduct the summary inquiries therein referred to, whenever they may be vested with authority to officiate as judges, during the absence of the judge, or during a vacancy in the office of judge, or otherwise, under the provisions contained in Regulation IV, 1796, and Section XXIII, Regulation II, 1803.

Explanation in preceding section not meant to restrict the power of the registers, when vested with authority to officiate as judges.

Second. It is hereby further declared, in explanation of Section V, Regulation IV, 1796, and Section XV, Regulation XII, 1803, which prescribe the duties to be performed by the register, when not provisionally invested with the authority of judge, that the register in such case, is authorized, during the absence of the judge, or during a vacancy in the office of judge, to conduct, in conformity to the Regulations, any of the summary inquiries referred to in this Regulation, which may appear to require immediate attention and process. The register is also authorized, in such cases, although not vested with the full powers of judge, to receive any new suits of whatever description which may be instituted according to the Regulations; to refer

Further declaration of the register's powers in the absence of the judge, or during a vacancy in the office, although he may not have been invested with the authority of judge.
May conduct in conformity to the Regulations, any of the summary inquiries referred to, which require immediate attention and process.
May also receive any new suits, instituted according to the Regulations.
Refer to native commissioners such as are cognizable by them.

(*l*) The office of assistant judge in the zillah and city courts, has been abolished by Regulation XXIV, of 1814, Section III.

(*m*) *Constructions by the Sudder Dewanny Adawlut.* A register is not competent to proceed upon a case certified to the dewanny court by an assistant to the magistrate, under the rule contained in Regulation VI, of 1813, Section V, Clause I, without an order of reference from the judge, in conformity with this section. *18th January*, 1815. The provisions in the existing Regulations, which authorize a reference of civil suits, regular or summary, to the collectors for adjustment, were meant to be exercised by the judges of the zillah and city courts, but not by the registers of those courts. *5th March*, 1817.

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Try himself any suits referrible to him, under prescribed limitations.

And summon defendants, receive pleadings, documents, and lists of witnesses, in suits cognizable by the judge only.

May likewise in cases of urgency but not otherwise, take the evidence of witnesses in the suits last mentioned.

to the native commissioners such as may be cognizable by them; to try himself any suits which would have been referrible to him by the judge under the prescribed limitations (subject to the appeal provided in all cases from the decisions of the register to the judge); and to proceed upon suits which are exclusively cognizable by the judge, so far as to summon the defendant, and receive the pleadings of the parties, or of their vakeels, with any written documents or lists of witnesses which may be offered by them; but no further, unless, in any instance, there shall appear to be urgent reason to take the evidence of any witness or witnesses in such suits; in which case the register in charge may take, or cause to be taken, the depositions of such witnesses, in the mode prescribed by Section XXI, Regulation XLIX, *(n)* 1803; or, if the witnesses be resident in a different jurisdiction, and at a distance exceeding fifty coss, in the mode prescribed by Section VI, Regulation IV, 1793, and Section VII, Regulation III, 1803, for the examination of witnesses in such cases. *(o)*

Appeals from decisions of native commissioners not to be tried by any register, who may not have been authorized to act as judge, without special authority for this purpose.

Not any register, though authorized to officiate as judge, to hear appeals from judgments passed by himself.

In such cases, as well as in all cases of appeals from decisions of the registers when there may be no judge, or acting judge, on the spot, the provincial court may, to obviate considerable delay, remove the appeal from the zillah or city court, to the provincial court; and proceed thereupon as on other appeals.

Third. No appeals from decisions of the native commissioners shall be tried by any register who may not have been authorized by the Governor General in Council to act as judge; unless he shall receive special authority for this purpose from the Governor General in Council, under the Regulations above noticed; *(p)* and no register authorized to officiate as judge is of course, to hear and determine any appeal from judgments which may have been previously passed by himself as register. In such cases as well as in all cases of appeals from the decisions of the registers, when there may be no judge, or person authorized to officiate as judge, on the spot; if any considerable delay is likely to occur in the decision of the pending appeals from the absence of the zillah or city judge, or otherwise, the provincial court of appeal upon representation made to them by either of the parties in any such appeals, may remove the appeal from the zillah or city court, in which the same may be depending, to the provincial court of appeal; and proceed thereupon as in other appeals before that court. *(q)*

(n) The whole of this Regulation is rescinded by Regulations XXIII and XXIV, of 1814. An amended rule, in lieu of that rescinded, will be found in Regulation XXIV, of 1814, Section XI.

(o) *Construction by the Sudder Dewanny Adawlut, 18th May*, 1808. Adverting to the provisions of this clause, as well as to the general spirit of Section XIV, of this Regulation, the court were of opinion, that the register is authorized to conduct to issue, the summary inquiries referred to in the Regulations, during the absence of the judge.

(p) See the special powers and duties of registers under Regulation XXIV, of 1814, Sections IX and XII.

(q) *Construction by the Sudder Dewanny Adawlut, 27th August*, 1819. A cause having come by special appeal before a zillah judge, the appeal being from a decision by himself as register, the provincial court is competent to remove the proceedings, and to try the appeal, under the provisions of this clause, the word appeals used therein being general, and special appeals coming equally within the reason of the rule.

A. D. 1805. REGULATION III.

A REGULATION *to make further provision for the exemplary punishment of robbery by open violence.*—Passed *by the Governor General in Council, on the 28th March* 1805; *corresponding with the* 17*th Cheyte* 1211 *Bengal era; the* 13*th Cheyte* 1212 *Fusly; the* 17*th Cheyte* 1212 *Willaity; the* 12*th Cheyte* 1862 *Sumbut; and the* 25*th Zelhej* 1219 *Higeree.*

THE crime of robbery by open violence has been fully defined by Clause First, of Section III, Regulation LIII, 1803; and the several clauses of Section IV, of that Regulation, have declared the punishment to be adjudged by the criminal courts of judicature upon convictions of that offence, with or without homicide, wounding, maiming, or other personal injuries; or any other circumstances of aggravation. It has since appeared that the object of the last mentioned section would be further promoted by the addition of exemplary corporal punishment, (which formerly constituted part of the usual punishment for robbery, in almost all cases short of death,) to the penalties for this crime, which have been prescribed by Clauses Second, Third and Fourth, of that section. Instances have also occurred in which the village watchmen, who are bound by the existing Regulations, to assist the police officers in protecting the inhabitants of the country, and their property from robbery, have been found to be concerned in the perpetration of this crime: and strong grounds of suspicion have appeared that even some of the public officers upon the police establishments have connived at the commission of robbery, or at the escape of persons residing within their jurisdictions, who from information, or notoriety, were known to be robbers. The highly criminal and dangerous violation of duty, in all such cases, requires that the offenders should be subjected to more exemplary punishment, proportioned to their aggravated criminality, and its danger to the community. His Excellency the Most Noble the Governor General in Council, has accordingly enacted the following rules, to be in force, from the time of their promulgation, in the provinces of Bengal, Behar, Orissa and Benares, and in the ceded provinces, to which Regulation LIII, 1803, has been extended: also in the conquered provinces from the time of promulgating the extension of this Regulation thereto. (*r*)

(*r*) Extended to the conquered provinces situated within the Dooab, and on the right bank of the river Jumna, and to the territories ceded in Bundlecund by the Peishwa, by Regulation VIII, of 1805, Section XIV, Clause I. To the zillah of Cuttack, and the purgunnahs of Puttaspore, Kummardichour and Bograe, by Regulation XIII, of 1805, Section XIII, excepting those parts which have been exempted from the operation of the general Regulations. To the purgunnahs of Sonk, Sonsa and Sahar, annexed to the zillah of Agra, by Regulation XII, of 1806, Section III. See Regulation XV, of 1814, which defines the punishment to which persons convicted of two or more offences, shall in certain cases be subject.

II.

Persons convicted of robbery by open violence and not sentenced to suffer death, may be adjudged by the courts of circuit and Nizamut Adawlut, to receive corporal punishment, not exceeding thirty nine lashes with a corah, in addition to the penalties prescribed by Clauses Second and Third, of Section IV, Regulation LIII, 1803.

II. In all cases of conviction, of the crime of robbery by open violence, as defined in clause first, of Section III, Regulation LIII, 1803; whether such conviction be founded upon the free and voluntary confession of the prisoner, or upon the testimony of credible witnesses, or upon strong circumstantial evidence; and the party so convicted may not be sentenced to suffer death; the court of circuit, before whom the offender may be convicted, and the court of Nizamut Adawlut, in trials referred to that court, shall be competent to adjudge corporal punishment, not exceeding thirty nine lashes with a corah, in addition, to the penalties of imprisonment and transportation for life, or of imprisonment and hard labour for the period of fourteen years, prescribed by Clauses Second and Third, (s) of Section IV, Regulation LIII, 1803; whenever, on consideration of the nature of the case, it may appear proper to inflict such additional exemplary punishment. (t)

Persons convicted of going forth to commit robbery, but apprehended before the commission of it, or any violent attempt for the purpose, declared liable to corporal punishment, not exceeding thirty lashes with a corah, in addition to, or in commutation of, the penalty prescribed by Clause Fourth, of Section IV, Regulation LIII, 1803.

III. Persons convicted of the crime provided for by Clause Fourth, of Section IV, Regulation LIII, 1803, viz. of going forth with a gang of robbers for the purpose of committing robbery, but apprehended before they have committed such, or have made any violent attempt for the purpose; and declared, by the clause abovementioned, liable to imprisonment and hard labour for such period, not exceeding seven years, as the circumstances of the case may appear to merit, are further hereby declared liable to corporal punishment, not exceeding thirty lashes with a corah, in addition to, or in commutation of, the whole or part of the imprisonment provided for by the clauses above cited; whenever it may appear expedient, for the sake of example, or to prevent a lengthened imprisonment of the prisoner, to the court of circuit before whom he may be convicted; or to the Nizamut Adawlut, in any cases referred to that court. (v)

Any village watchman or guard, of whatever denomination, as well as any police officer, of whatever description, convicted of robbery by open violence, and not liable to suffer death, under Clause First, of Section IV, Regulation LIII, 1803, declared liable to the punishment for aggravated criminality, provided for by Clauses Second and Third of that section.

IV. If any pyke, chokeedar, pasban, dosaad, nigabaan, or other village watchman, or guard, of whatever denomination, entertained or employed by a landholder, or by any other person, for the protection of villages, houses, persons, or property, and consequently required by the Regulations, to assist the police officers in preventing robbery and other crimes, and in apprehending offenders; or if any police officer of whatever description, (whether a police darogah, *or tehseeldar, entrusted with the charge of the police, (u)* a city or town cutwal, or a jemadar, mohrir, burkundoss, piadah, or other person employed, under the zillah and city magistrates, the police darogahs and tehseeldars, or under any other officers of the police, for the protection of the inhabitants of the country and their property from robbery; or for apprehending

(s) This clause is rescinded by Regulation VIII, of 1808, Section II.

(t) So much of this section as relates to the punishment to be inflicted for the crime of robbery by open violence, has been modified by Regulation VIII, of 1808, Section III. What trials for that crime are required to be referred to the Nizamut Adawlut, explained by Section IV, of the same Regulation.

(v) Offenders of the description mentioned in this section, are to be required to give substantial security for their future good conduct, previously to their release. See Regulation VIII, of 1808, Section IX.

(u) The tehseeldarry system of police has been abolished by Regulation XIV, of 1807.

robbers

robbers and other criminals; or generally for the performance of any duty of police, connected with the prevention of public offences,) shall be convicted of the crime of robbery by open violence, as defined in Clause First, of Section III, Regulation LIII, 1803; whether such conviction be founded upon the free and voluntary confession of the prisoner, or upon the testimony of credible witnesses, or upon strong circumstantial evidence; and the party so convicted shall not be liable to suffer death, under Clause First, of Section IV, Regulation LIII, 1803, as an accomplice in murder, as well as robbery; it is hereby declared, that he shall be held and expressly deemed to be within the provisions contained in Clauses Second and Third (w) of that Regulation, whereby the Nizamut Adawlut are authorized to pass sentence of death, in cases of aggravated criminality which may appear to deserve it, although the robbery may not have been attended with actual homicide, or where the robbery may have been without any personal injury or other act of aggravation, to extend the sentence of that court, from imprisonment and hard labor for fourteen years, to imprisonment and transportation for life, if on consideration of any circumstance appearing upon the trial to aggravate the guilt of any particular prisoner, the infliction of such more severe punishment shall appear just and necessary. (x) Under this declaration any watchman, guard, or police officer, as described in the present section, who may be convicted of having been present, aiding and abetting, at a robbery by open violence, or at an attempt to commit such robbery; or though not present, of having procured and caused by hire, counsel, or command, the perpetration of such robbery, or attempt to rob, will be liable to suffer death, on the sentence of the court of Nizamut Adawlut, according to the Regulations, if in the prosecution of such robbery, or attempt to rob, any person shall be murdered, wounded, maimed, burnt, or subjected to other personal injury, torture, or cruelty, or any dwelling house shall be set on fire; or other criminal and aggravating act committed; or will be liable to a sentence of corporal punishment, and imprisonment and transportation for life, by the court of Nizamut Adawlut, if the prosecution of such robbery or attempt to rob shall not have been attended with homicide, personal injury, or any of the other aggravating acts above specified. It is hereby further declared, that any clear and direct connivance on the part of a watchman, guard, or police officer, as described in this section, whereby a gang of robbers may have been enabled to commit any of the crimes above stated, shall, if duly established, subject the offender to the same penalty, as he would have been lia-

Punishment to which watchmen, guards, or police officers, so convicted, will consequently be liable, if in the prosecution of robbery, or attempt to rob, any person shall be murdered, wounded, maimed, burnt, or subjected to other personal injury, torture, or cruelty, or if a dwelling house shall be set on fire: or other criminal and aggravating act committed.

Or if the prosecution of the robbery, or attempt to rob, shall not have been attended with homicide, personal injury, or any of the other aggravating acts above specified.

Any clear and direct connivance, on the part of a watchman, guard, or police officer, whereby a gang of robbers may have been enabled to commit any of the crimes stated, declared liable to the same penalty, as if the offender had been present,

(w) This Clause has been rescinded by Regulation VIII, of 1808, Section II. This part of this section should be read thus—" Clauses Second and Third of Section IV, of that Regulation."

(x) The provisions of this section, except where this note is placed, is agreeably to the modified rules of Regulation VIII, of 1808, Section III. The crime of robbery by open violence, as defined by Regulation LIII, of 1803, Section III, Clause I, in point of extent, is either punishable with death, or by thirty nine lashes of the corah, and imprisonment and transportation for life; subject, however, to mitigation or remission, at the discretion of the Nizamut Adawlut, by virtue of the power vested in them, in that behalf, by Regulation VIII, of 1808, Section III.

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aiding and abetting; or had caused the perpetration of the offence by hire, counsel, or command.

ble to, if actually present, aiding and abetting; or, though not present, if he had procured and caused the perpetration of the offence, by hire, counsel, or command.

A watchman, guard, or police officer, convicted of going forth with a gang of robbers, to commit robbery, or of conniving at the going forth of a gang of robbers for such purpose, but apprehended before the commission of robbery, or any violent attempt for the purpose, declared liable to corporal punishment, and imprisonment not exceeding fourteen years, by sentence of a court of circuit; or in cases requiring more exemplary punishment, to corporal punishment, and imprisonment, with transportation, for life, by sentence of Nizamut Adawlut.

V. If any watchman, guard, or police officer, as described in the preceding section, shall be convicted of going forth with a gang of robbers for the purpose of committing robbery, or of conniving at the going forth of a gang of robbers for such purpose, but he or they, may be apprehended before they have committed robbery or made any violent attempt for the purpose; the watchman, guard, or police officer, so convicted, shall be liable to corporal punishment, and imprisonment, with hard labour, for such period, not exceeding fourteen years, as the circumstances of the case, may, in the judgment of the court of circuit, before whom he is convicted, appear to merit; or if that court shall, in any particular case, deem the prisoner deserving of more exemplary punishment, they shall refer the trial to the court of Nizamut Adawlut, who are authorized, if sufficient ground appear, to extend the sentence to corporal punishment and imprisonment, with transportation, for life.

Explanation contained in Section V, Regulation LIII, 1803, applicable to provisions in the present Regulation.

VI. The explanation contained in the two clauses of Section V, Regulation LIII, 1803, respecting the distinction to be observed in cases of secret theft, or larceny without open violence, and of criminal acts of violence done in prosecution of the original intention to commit theft, shall be applied, in like manner, to the several provisions contained in the present Regulation. But if any police officer, or any guard, or watchman, bound to assist the officers of police, as described in Section IV, of this Regulation, shall be convicted of theft, or of larceny and burglary, though without any act of open violence, or of clear and direct connivance at the perpetration of such crime, he shall be liable to suffer such aggravation of punishment as the court of circuit, before whom he may be convicted, or the Nizamut Adawlut, if the case be referrible to that court, shall deem adequate to his offence; not exceeding the limitations prescribed by Clause Seventh, of Section II, and Clause Third, of Section VII, Regulation LIII, 1803, for cases not specifically provided for by the Regulations, or by any stated penalty in the Mahomedan law. (y)

But any police officer, guard, or watchman, convicted of theft, or of larceny and burglary, though without open violence, or of clear and direct connivance at the perpetration of such crime, declared liable to such aggravation of punishment, as the courts of circuit, or the Nizamut Adawlut in cases referrible to that court, shall deem adequate to the offence; not exceeding the limitations prescribed by Clause Seventh, of Section II, and Clause Third, of Section VII, Regulation LIII, 1803.

Translations of this Regulation, in the country languages, to be read and proclaimed in the cutcherries of the zillah and city magistrates, and at the several police stations; also in the cutcherries of the zillah collectors and of the several landholders and farmers within their respective districts.

VII. The zillah and city magistrates on receiving translations of this Regulation, in the country languages, shall cause the same to be read and proclaimed in their respective cutcherries; and at the several police stations within their jurisdictions. The zillah collectors shall also cause the same to be read and proclaimed in their cutcherries, and in the cutcherries of the several landholders and farmers within their respective districts.

(y) So much of this section as relates to the punishment for burglary, has been modified by Regulation I, of 1811, Section II, which defines the precise punishment to be awarded for that offence; subject, however, to the further provisions of Regulation XI, of 1814, authorizing an extenuation, in cases in which special circumstances may warrant it.

A. D. 1805. REGULATION IV.

A REGULATION *for extending to the province of Benares, Regulation* XXXI 1793, *entitled* "A Regulation for re-enacting with modifications and amendment "the rules passed on the 23d of July 1787, and subsequent dates, for the con "duct of the commercial residents and agents, and all persons employed or con- "cerned in the provision of the Company's investment;" *and also, for exempting from duty all goods and articles provided in the province of Benares, on account of the investment of the Honorable East India Company.*—PASSED *by the Governor General in Council, on the 25th April* 1805; *corresponding with the* 14th *Bysaack* 1212 *Bengal era; the* 12th *Bysaack* 1212 *Fusly; the* 14th *Bysaack* 1212 *Willaity; the* 11th *Bysaack* 1862 *Sumbut; and the* 24th *Mohurrum* 1220 *Higeree.*

WHEREAS it has hitherto been the practice to provide the investment of the Honorable the East India Company in the province of Benares, by purchasing the goods brought for sale by the manufacturers with ready money; or by contracts made with native dullols, or dustooreeas, for the provision of the goods; instead of making advances to the manufacturers, for the provision of goods of specified dimensions, and of a certain quality; in the manner observed in the provinces of Bengal, Behar, and Orissa: and whereas the adherence to the said system has operated to prevent the desired improvement of the fabrics, and to render the provision of the requisite quantity of goods uncertain: and whereas by making advances to the manufacturers for goods of the required quality and dimensions, under the rules contained in Regulation XXXI, 1793; and by extending the said Regulation to the province of Benares, the commercial officers of the Company will be enabled to effect the desired improvements in the quality of the manufactures; and to ensure the punctual delivery of the required quantity of goods; and the Company, the weavers, and other manufacturers, and the private traders of every description will, under the protection of the laws, be secured in their just rights, in the transaction of their respective concerns; according to the tenor of the agreements under which such concerns may be conducted: and whereas the objections which formerly existed against the exemption of the goods, provided on account of the Company's investment, in the province of Benares, from the payment of duties at the custom houses, within that province, have ceased to exist, in consequence of the agreement concluded on the 27th of October 1794, with the Rajah of Benares, regarding the appropriation of the surplus revenue of the said province; the following rules have been enacted, and are to be in force in the province of Benares from the date of their promulgation.

II.

Regulation XXXI, 1793, extended to the province of Benares; with alterations and modifications, regarding weavers and others providing goods for the investment contained in Regulation V, 1800, and IX, 1801, as far as they are applicable to Benares.

II. The rules contained in Regulation XXXI, 1793, are hereby declared to extend to the province of Benares, with the alterations and modifications, regarding the weavers, and others employed in the provision of the Company's investment, contained in Regulations V, 1800, and IX, 1801; as far as the same are applicable to the province of Benares.

Rowannahs to be taken out for the Company's investment; such goods not liable to duty.

III. Commercial residents or agents, and others employed to provide goods for the Honorable Company's investment, shall take out rowannahs to accompany the goods, which are to pass a custom house station. Such rowannahs shall be granted upon official application for them being made in writing to the collectors, but no customs, commission or fees shall be levied on such goods. (z)

(z) Repeated in Regulation IX, of 1810, Section XX. See how collectors of government customs are to act, when goods stated to belong to the Honorable Company, may not correspond with the rowannah, in Section XXIII, Clause II, of that Regulation.

A. D. 1805. REGULATION V.

A REGULATION *for forming the settlement of the land revenue of the provinces ceded to the Honorable the English East India Company by the Nawaub Vizier, for the years* 1213, 1214, *and* 1215, *of the Fusly era.*—PASSED *by the Governor General in Council on the 22d of April* 1805, *corresponding with the* 11*th Bysaak* 1212 *Bengal era; the* 9*th Bysaak* 1212 *Fusly; the* 11*th Bysaak* 1212 *Willaity; the* 8*th Bysaak* 1862 *Sumbut; and the* 21*st Mohurrum* 1220 *Higeree.*

WHEREAS it is prescribed in the second article of the proclamation published by the honorable the late Lieutenant Governor and the Board of Commissioners for the affairs of the provinces ceded by His Excellency the Nawaub Vizier to the honorable the English East India Company, (the rules contained in which proclamation have been confirmed, with certain modifications, by Section XXIX, Regulation XXV, and Section LIII, Regulation XXVII, 1803) that the second triennial settlement of the land revenue in those provinces, commencing with the year 1213 of the Fusly era, shall be concluded with an increase, to be calculated in the proportion of two thirds of the difference between the annual amount of the first triennial settlement concluded for the years 1210, 1211, and 1212, and the actual yearly produce of the land at the period of the expiration of the said settlement: and whereas the severe drought which generally prevailed in the ceded provinces in the year 1211 has subjected the landholders, and farmers, and cultivators of land, in the said provinces, to considerable losses, and consequently deprived them of the means of extending the cultivation of their lands in a degree sufficient to afford a reasonable expectation, that the produce of the lands will be adequate to the payment of the aforesaid increase on the jumma of the first triennial settlement: and whereas the demand of the said increase, under such circumstances, might expose the landholders and cultivators to distress, and might prove injurious to the agriculture and commerce of the country in general, and ultimately to the interest of the government: and whereas the Governor General in Council is at all times desirous of manifesting to the inhabitants of the ceded provinces the solicitude of the British government for the advancement of their happiness and welfare; the following rules have been enacted. (*a*)

(*a*) Since the second triennial settlement, to which this Regulation refers, there have been a third quartennial settlement, a fourth quinqennial settlement, and the existing fifth quinqennial settlement, which last commenced with the Fusly year 1225, and will end with the Fusly year 1229, regarding the terms and conditions of which, see Regulation XVI, of 1816. See also Regulation V, of 1808, explaining and declaring the intent and meaning of certain clauses in the existing Regulations, respecting the settlement of the land revenue in the Ceded and Conquered Provinces.

II.

Rules contained in the second article of the proclamation published, under date the 14th July 1802, for the formation of the second triennial settlement of the revenue in the ceded provinces, commencing with the year 1213 F. S. rescinded.

II. The rules contained in the second article of the proclamation published by the honorable the late Lieutenant Governor and the Board of Commissioners for the affairs of the provinces ceded by the Nawaub Vizier to the English East India Company, under date the 14th of July 1802, (and confirmed, with certain modifications, by Section XXIX, Regulation XXV, and Section LIII, Regulation XXVII, 1803,) which direct that the second triennial settlement of the land revenue ordered to be concluded in those provinces, and commencing with the year 1213 of the Fusly era, shall be increased in the proportion of two-thirds of the difference between the annual amount of the first triennial settlement concluded for the years 1210, 1211, and 1212, and the actual yearly produce of the land at the period of the expiration of the said settlement, are hereby rescinded; and the following rules are prescribed for concluding the ensuing triennial settlement of the land revenue in the ceded provinces for the years 1213, 1214, and 1215 of the Fusly era.

The following rules prescribed for concluding the ensuing settlement, commencing with the year 1213 F. S.

The settlement for the years 1213, 1214, and 1215, to be concluded with those landholders and farmers who shall have fulfilled their engagements for the three preceding years, at the annual jumma payable by them under the first triennial or other settlement, expiring with the year 1212 F. S.

III. In all instances (with the exceptions specified in Section VII) in which the zemindars, or other landholders, or the farmers of land, with whom the settlement was concluded for the years 1210, 1211, and 1212 Fusly, or with whom a settlement shall have been concluded at any period of time during those years, shall have fulfilled their engagements with government, the settlement of their estates or farms, for the ensuing three years, 1213, 1214, and 1215 Fusly, shall be concluded with such zemindars, landholders, or farmers, at the same annual jumma as was payable by them, under the first triennial or other settlement, expiring with the current year 1212 Fusly.

Landholders and farmers who shall have obtained remissions, and who shall have discharged the jumma of their estates or farms, with the exception of such remissions, shall be considered to have fulfilled their engagements.

IV. All zemindars, or other landholders, or farmers of land, who shall have obtained remissions from government, on account of drought, or other cause, shall be considered to have fulfilled their engagements, provided they shall have discharged the whole amount of the jumma of their respective estates or farms, with the exception of the amount of such authorized remissions.

In instances in which the first triennial settlement shall have been concluded at an annual increase, the ensuing settlement shall be concluded at the jumma payable for the year 1212.

V. In instances in which the first triennial settlement for the years 1210, 1211, and 1212 Fusly, shall have been concluded at an anual increase, under the orders of the late Lieutenant Governor and the Board of Commissioners, adverted to in Clause First, Section XXX, Regulation XXV, 1803, instead of an equal, annual, jumma, as prescribed by the original rules for concluding the settlement of the land revenue in the ceded provinces, the ensuing triennial settlement, for the years 1213, 1214, and 1215 Fusly, shall be concluded at the jumma payable on account of the current year 1212 Fusly.

If any landholder or farmer shall decline entering into engagements for the

VI. If any zemindar, or other landholder, or farmer of land, shall decline entering into engagements for the ensuing triennial settlement, on the terms prescribed

scribed by this Regulation, the Governor General in Council reserves to himself the power of authorizing the conclusion of the settlement of the lands comprised in the estates or farms of such landholders or farmers, for the years 1213, 1214, and 1215 Fusly, or for any proportion of the said period, with any other person or persons who shall be willing to enter into engagements for the payment of the revenue of the said lands.

ensuing settlement on the terms prescribed by this Regulation, the Governor General in Council reserves to himself the power of concluding the settlement with any other person or persons willing to enter into engagements on the prescribed terms.

VII. Nothing contained in this Regulation shall be considered to affect any settlements which shall have been actually concluded for the whole or any part of the ensuing three years 1213, 1214 and 1215 Fusly; neither shall any part of this Regulation be construed to preclude the operation of the rule prescribed by Section XXXIII, Regulation XXV, 1803, under which the zemindars, independent talookdars, and other actual proprietors of land, whose lands have been let in farm, are entitled, at the expiration of the present triennial settlement ending with the year 1212 Fusly, to be re-instated, under the general Regulations prescribed for such cases, in the management of their estates, upon their agreeing to the payment of the assessment required from them.

Settlements actually concluded for any part of the years 1213, 1214, and 1215, to remain in force.

The operation of Section XXXIII, Regulation XXV, 1803, not precluded by any part of this Regulation.

A. D. 1805. REGULATION VI.*

A REGULATION *for abolishing the duties levied by government on goods and other articles, sold in the bazars and gunges, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company; and in the conquered provinces, situated within the Dooab and on the right bank of the river Jumna; including the territory in Bundlecund, ceded to the Honorable the English East India Company by the Peishwah; and for establishing duties on certain articles imported into the cities and principal towns, situated within the provinces and territory aforesaid, in lieu of the duties abovementioned.*—PASSED *by the Governor General in Council, on the 27th of June* 1805*; corresponding with the* 15*th Assaur* 1212 *Bengal era; the* 15*th Assaur* 1212 *Fusly; the* 15*th Assaur* 1212 *Willaity; the* 1*st Assaur* 1862 *Sumbut; and the* 28*th Rubbee-ul-awul* 1220 *Higeree.*

WHEREAS the Governor General in Council, by Regulation XXXVIII, 1803, abolished all the internal duties, coming under the denomination of sayer, rahdarry, zemindarry, or other denomination, which were formerly levied on goods or merchandize of any description, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, with the exception of the established duties levied by government in the bazars and gunges in those provinces: And whereas the continuance of the duties levied, on account of government, on goods and other articles sold in the bazars and gunges in the provinces aforesaid, is authorized by Section XIX, Regulation XI, 1804: And whereas it appears, from the reports of the several collectors of the revenue in the said provinces, that the duties levied by government in the bazars and gunges in the provinces aforesaid, both from their number and amount, and from the means afforded for the exercise of oppression and extortion on the part of the native officers employed in the collection of them, are extremely injurious to the commerce and agriculture of the country, and operate as a severe and heavy burthen upon the country: And whereas, by the first article of the proclamation, relative to the settlement of the land revenue in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, published on the 14th day of July 1802, by the Honorable the late Lieutenant Governor and the Board of Commissioners, as well as by Clause Thirteenth, Section LIII, Regulation XXVII, 1803, it is provided, that all engagements for the land revenue, entered into with government, shall be exclusive of sayer duties, and of all other collections not connected with the land revenue: And whereas, by Clause Second, Section XXXV, Regulation XXV, 1803, a power is reserved to the Governor

* The whole of this Regulation is rescinded by Regulation X, of 1810, Section II.

General

General in Council of establishing any internal duties, or taxes, in the said provinces, and to appoint officers, on the part of government, to collect the same: And whereas, by the same clause, it is expressly declared, that no proprietor of land shall be entitled to participate in the said duties, or taxes, or to make any claim for remission of assessment on account of the same: And whereas it is essential to the promotion of commerce, and to the relief of the inhabitants, that the duties now levied by government in the bazars and gunges throughout the ceded provinces should be abolished, and that, in lieu of such duties, town duties should be established, to be levied on the importation of certain articles into the cities and principal towns situated within the said provinces: And whereas it is equally expedient, that the duties levied by government in the bazars and gunges in the conquered provinces in the Dooab and on the right bank of the river Jumna, and in the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah, should be likewise abolished, and that established town duties should be levied in lieu thereof; the following rules have been accordingly enacted.

Duties levied by government in the bazars and gunges in the ceded provinces, to be abolished from the commencement of the Fusly year 1213.

II. From and after the commencement of the Fusly year 1213, corresponding with the 10th of September 1805, the duties levied by government, on goods and other articles sold in the bazars and gunges, situated within the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, shall be abolished.

The foregoing rule extended to certain territories in the Dooab, and on the right bank of the Jumna, ceded by Dowlut Rao Scindiah, and the Peishwah.

III. From and after the period specified in the foregoing section, the duties levied by government, or by individuals, on goods and other articles sold in the bazars and gunges, situated within the conquered provinces in the Dooab (or country lying between the rivers Ganges and Jumna) and on right bank of the river Jumna, ceded to the Honorable the English East India Company by Dowlut Rao Scindiah, (with the exception of the city of Delhi, and the territory situated on the right bank of the river Jumna, the revenues of which are assigned to his Majesty Shaw Alum) as well as in the territory in Bundlecund, situated on the right bank of the river abovementioned, ceded to the honorable the English East India Company by the Peishwah; comprising the northern and southern divisions of the zillah of Saharunpore, the zillah of Allyghur, the zillah of Agra, and the zillah of Bundlecund; shall be abolished.

Custom houses established in certain cities and towns in the ceded and conquered provinces, for the collection of town duties on certain articles imported into such cities and towns.

IV. From and after the period specified in Section II of this Regulation, custom houses shall be established in the cities of Allahabad, Furruckabad, Bareilly, and Agra; and in the towns of Goruckpore, Moradabad, Cawnpore, Etawah, Coel, Merut, and Saharunpore; and in the principal town in the zillah of Bundlecund; for the collection of certain duties on the goods and articles, specified in Section X, which shall be imported into the said cities and towns, under the rules hereafter prescribed.

V.

V. Towns and villages, situated within the distance of one mile from the skirts of any of the cities and towns specified in Section IV, shall be considered to be dependencies of such cities or towns. All goods and articles, of the descriptions specified in Section X, which shall be imported into such dependent towns or villages, shall be liable to the payment of the same duties, and in the same manner, as if they had been imported into the cities or towns to which they may be respectively attached; but such goods and articles shall not be subject to the payment of any further duty, on being imported into the said cities or towns.

Towns and villages within one mile from the cities and towns specified in the above section, to be considered as dependencies of such cities or towns. Goods imported into such dependent towns or villages liable to the payment of the prescribed duties.

VI. The town duties shall be levied by the officers holding the appointment of collectors of the government customs in the several zillahs in the ceded and conquered provinces, to be denominated respectively, collectors of the town duties at the cities and towns specified in Section IV, according as the same may be situated within their respective jurisdictions. The duties to be collected at the cities of Allahabad and Agra, and at the town of Etawah, shall be levied by the officers holding the appointment of deputy collectors of the government customs at those stations, on the part of the collectors of the town duties to whose authority they are respectively subject, under the denomination of deputy collectors of the town duties at the cities and towns in which they may respectively be stationed. In like manner, the collector of the town duties at Merut and Saharunpore shall be aided by his assistant, to be denominated deputy collector of the town duties at either of the said towns in which he may reside, in the collection of the duties at those towns. The deputy shall be stationed at Merut or Saharunpore, according as the collector shall be absent from either of those towns.

The duties to be levied by the officers holding the appointment of collectors of the government customs in the ceded and conquered provinces.

The town duties at Allahabad, Agra, and Etawah, and at Merut or Saharunpore, to be levied by the deputy collectors of the government customs at those stations, on the part of the collectors to whose authority they are subject.

VII. It shall be competent to the Governor General in Council, by an order in Council, to extend or diminish the limits within which the town duties shall be levied at the cities and towns specified in Section IV, and their respective dependencies; to discontinue the collection of those duties at any of such towns; or to extend the operation of the present Regulation to any other town or towns in the ceded or conquered provinces; according as he shall judge proper. It shall also be competent to the Governor General in Council, by an order in Council, to suspend the operation of the present Regulation, in any of the cities or towns situated in the conquered provinces in the Dooab, or on the right bank of the river Jumna, for such period of time as he shall think proper, beyond the period specified in Section II, should a necessity arise for postponing the operation of the said Regulation in any of such cities or towns.

The Governor General in Council competent, by an order in Council, to extend, or diminish the limits within which the duties shall be levied, to discontinue the collection of such duties at any of the towns specified in Section IV, or to extend the operation of this Regulation to any other town or towns in the ceded or conquered provinces.

Also competent by an order in Council to suspend the operation of the Regulation in any of the cities or towns in the conquered provinces in the Dooab, or on the right bank of the Jumna.

VIII. The collectors of the town duties, established by this Regulation, within the ceded and conquered provinces, and their respective deputies, shall be subject to the authority of the Board of Trade at the presidency.

The collectors of the town duties, and their deputies, subject to the authority of the Board of Trade.

IX. Previously to entering upon the execution of the duties of their offices, the collectors of the town duties in the ceded and conquered provinces, and their respective

Previously to entering upon the duties of their offices, the collectors of

The town duties to subscribe the following oath.

respective deputies, shall severally take and subscribe the following oath, before the Governor General in Council, or any person whom he may commission to administer the same :—

Form of the oath.

"I, A. B. do solemnly swear, that I will faithfully discharge the duty of collector of the town duties at (name of the city,) or at such other city, or cities, or town or towns, the town duties to be levied at which shall be entrusted to me; that I will not, directly or indirectly, by myself, or others, be concerned in, or allow of any collections being made, but such as are authorized by, and brought to the credit of government; that I will not be concerned, directly or indirectly, in the purchase of any goods or commodities in the British dominions, subject to the immediate government of the presidency of Fort William in Bengal, for the purpose of remitting money to Europe; nor in any commercial transaction; that I will not take or receive, or knowingly allow any other person to take or receive, any present, gratuity, fee, or advantage whatever, on account of any matter relating to the duty of my office, excepting such as now is, or may be hereafter, authorized by the Governor General in Council.

"So Help me God."

Custom houses to be open from nine until two o'clock.

X. The custom houses shall be open for the transaction of business, every day (Sundays excepted,) from nine o'clock in the morning until two o'clock in the afternoon.

Five per cent commission to be levied, in certain cases, by the collectors, for their own benefit.

In other instances a moiety of the commission to be carried to the credit of government.

Deputy collectors not to participate in the commission, or in the produce of confiscated goods.

XI. The collectors of the town duties, established by this Regulation, who are not also collectors of the land revenue, are authorized to levy, for their own benefit, a commission of five per cent on the amount of the duties collected by them and by their respective deputies, under this Regulation. The collectors of the town duties, who likewise hold the office of collector of the land revenue, are also authorized to levy a commission of five per cent on the amount of the duties collected by them, and by their respective deputies. The collectors of the town duties, of the description last mentioned, shall, however, only appropriate to their own benefit a moiety of such commission, carrying the residue to the credit of government in their accounts. The deputy collectors of the town duties shall not be entitled to a participation in the commission, or in the produce of confiscated goods, authorized by this Regulation.

A duty at the rate of four per cent to be levied on certain articles; to be regulated by a book of rates.

XII A duty of four per cent shall be levied on the value of the undermentioned articles, imported into the cities and towns specified in Section IV; such value to be regulated by a book of rates, to be kept for public inspection at the custom houses. The collectors of the town duties in the ceded and conquered provinces are accordingly required to prepare and transmit to the Board of Trade, with all practicable expedition, for the approbation of the Governor General in Council, a book of rates, specifying the value of the several articles chargeable with duty under the present Regulation:

Tobacco.

Tobacco.

Beetle-nut (Sooparry.)

Cutch or cuth (terra japonica.)

Ghee.

Pimento (or all spice), black pepper, long pepper, cardamums, cloves, mace, cinnamon, nutmegs, cassia, cummin-seed, anise-seed, and spices of every description.

Mustard-seed oil, cocoanut oil, and vegetable oils, and oil seeds of every description..

Embroidered goods (keemkaubs, &c.)

Gold and silver lace.

Chunam.

Hides.

Soap and tallow.

Brass and copper utensils.

Stone plates.

Charcoal.

Raw silk.

Indigo.

Sugar, sugar candy, and jaggree.

Salt-petre.

Turmeric.

Rose-water.

Wax and wax candles.

Shawls.

Carpets (setringes and ghelechas.)

Paper, the manufacture of the British territories under the immediate government of the presidency of Fort William.

Sulphur.

Shell-lac and stick-lac.

Assafœtida.

Dammer.

Household furniture of all sorts, gunnies, gunny-baga, and chutta.

Blankets.

Elephant's teeth.

Buffalo-horns.

Safflower, or coossum flower.

Shoes and slippers of all sorts.

Mogul caps.

Hooka snakes.

Sandal-wood.

Red-wood.

Madder, or munjeet.

Gold and silver thread.

Tincal.

Borax.

Leather of all sorts.

Iron, and manufactured iron of all sorts.

Gums of all sorts.

Nux vomica.

Soojymutty.

Otta of roses, and otta of all sorts.

Tootea.

Sal-ammoniac.

Vidry ware.

Dry ginger.

Cow tails.

Butch.

Zungall, or verdigrise.

Sindoor, or country red lead.

A duty at the rate of two per cent, to be levied on certain articles.

XIII. A duty of two per cent, on a valuation to be specified in the book of rates, shall be levied on the value of the following articles;

Piece goods of whatever description.

Cotton.

Cotton yarn.

Duties levied on salt, on account of government, in the conquered provinces, to be immediately abolished.

XIV. It is provided, by Section XVI, Regulation VI, 1804, that the sale of alimentary salt, in the conquered provinces situated on the right bank of the river Jumna, shall remain, for the present, subject to the usages observed, under the former government, respecting the sale of that article. It is now declared, that all duties levied, on account of government, on the sale of alimentary salt in the bazars and gunges in the conquered provinces situated on the right bank of the river Jumna, and in the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah, shall be immediately abolished. It is further declared, that alimentary salt shall be exempted from the payment of the town duties established by this Regulation, in the ceded and conquered provinces.

Salt exempted from the duty established by this Regulation.

Further articles exempt from duty.

XV. The undermentioned articles, and all other articles not specifically rendered subject to the payment of town duties by this Regulation, or by any other Regulation which shall be hereafter enacted, and printed and published, in the manner prescribed by Regulation I, 1803, are also hereby declared to be exempt from the duties established by the said Regulation, on importation into any of the cities or towns, specified in Section IV.

Grain

Grain of all descriptions.
Fruit and vagetables.
Indigo seed.
Firewood.
Bamboos.
Paun.
Matts, of every description.
Paddy, and grass straw.
Gurran posts, and gurran' sticks.
Tiles, (the sort denominated Khaprel).
Pottery.
Horses, and animals of every description.
Bullion.
Jewels, of every description.
Opium, purchased at the Company's sales.

XVI. The collectors are hereby authorized and required to propose to the Board of Trade, for the consideration of the Governor General in Council, any alterations, in the rates of duty which may appear to them proper, and also to suggest what other articles, not subjected to the duties established by this Regulation, they would recommend to be charged with duty. The collectors are also required to propose to the Board of Trade, for the consideration of the Governor General in Council, the extension or diminution of the limits within which the town duties shall be levied at the cities or towns, specified in Section IV, according as the same may be within their respective jurisdictions ; the discontinuance of those duties at any of such towns ; or the extension of the operation of the present Regulation to any other town or towns within their respective jurisdictions ; according as they may consider to be advisable and expedient. In such cases, the collectors will acompany their propositions with the fullest information in explanation of them.

Collectors authorized to propose alterations in the rates of duty, and also to suggest what aditional articles may be charged with duty.

Collectors also required to submit further propositions to the Board of Trade, in certain cases.

XVII. The collectors are hereby authorized and required to propose any Regulations which may appear to them calculated to facilitate the collection of the town duties.

Collectors authorized to propose Regulations.

XVIII. A drawback, equal to the amount of the duties established by this Regulation, on piece goods, raw silk, cotton, and indigo, on the importation of those articles into any of the cities or towns specified in Section IV, shall be allowed, on such goods being exported from the said cities or towns, within six months from the date of their importation, provided the owner, or his authorized agent, or the person in charge of the goods, shall give satisfactory security to the collector, that such goods shall be exported, either beyond the ceded and conquered provinces, or to any of the other cities or towns specified in Section IV. In cases in which goods shall be imported into any of the said cities or towns, expressly for the purpose of exportation,

Drawback allowed on certain articles, if exported within six months from the date of their importation.

In cases in which any such goods shall be imported expressly for ex-

the

portation, the duties not to be levied under certain conditions.

the owner or his authorized agent, or the person in charge of the goods, shall not be required to pay the duties, provided he shall give satisfactory security to the collector for the payment of the same, in the event of the goods not being exported within six months from the date of their importation. If goods, in either of the cases above stated, shall be imported into any of the other cities or towns specified in Section IV, such goods shall be subject to the several provisions contained in this Regulation, in the same manner as if they had been imported into such cities or towns in the first instance.

Goods chargeable with duty, shall be imported at such ghauts or places, as the collectors shall establish.
List of the articles subject to duty, and the rates of duty, to remain fixed up at such ghauts or places.

XIX. All goods chargeable with duty shall be imported into the cities and towns respectively, at such ghauts, or at such places, as the collector of the town duties shall establish; and a list of the articles subject to duty, and of the rates of duty, shall always remain fixed up at such ghauts or places.

All goods chargeable with duty, gruff goods excepted, on their arrival at the ghaut, or place, established by the collector, to be deposited in the godowns, and a chellaun to be delivered to the collector.

XX. All goods chargeable with duty (excepting gruff goods which are authorized to be passed in the manner hereafter directed) shall be brought to the custom house, and the merchant, or his authorized agent, or the person having the charge of the goods, shall, immediately on his arrival at the city or town, deposit the goods in the custom house, warehouses, or godowns; and the owner or person aforesaid shall deliver a chellaun, specifying the sorts and quantity of the goods, to the collector, who shall affix his name to the chellaun with the words "examine," or "weigh," according to the sort of goods.

Double duty and double commission to be charged in certain cases.

XXI. In cases in which the collectors shall have reason to suspect, that any bale of piece goods does not correspond with the chellaun or invoice, he shall summon the proprietor, or the person having the charge of the goods, and (in his presence should he attend) shall cause the goods to be examined and appraised. In the event of it's appearing, that the goods are of more valuable assortments than those specified in the chellaun, the goods shall be charged with double duty and double commission.

If a larger quantity of goods than that stated in the chellaun, is attempted to be passed, the goods liable to confiscation.

XXII. Should any attempt be made to pass a larger quantity of goods than that which is specified in the chelauns, the goods shall be liable to confiscation.

Duties on gruff goods how to be levied.

XXIII. When gruff goods shall be passed at the custom house, a certain quantity shall be indiscriminately taken and weighed, and the remainder shall be counted off and passed. The weight of the whole quantity of the goods shall then be calculated at the average weight of the quantity weighed, and the duty shall be levied accordingly.

Gruff goods not to be passed without a perwannah from the collector.

XXIV. All gruff goods, of whatever description, which shall be landed at any of the ghauts, or which shall be brought to any of the entrances of the several cities or towns, shall be weighed and passed under the inspection of the Company's officers, in the manner prescribed with regard to gruff goods passed at the custom house; with this difference, that, after the quantity shall have been ascertained, the goods shall not be passed until a perwannah, drawn out according to the following form, an signed by the collector, shall be exhibited to the officers at the ghauts or entrances

Such perwannah to be issued on the next day, or in cases of emergency, on the same day.

where

where the goods are detained. The perwannah shall be issued on the day after that on which application for it shall be made, and, in cases of emergency, on the same day.

FORM OF THE PERWANNAH.

September 19, 1805.

" RAMNARAIN DOSS,

" Sugar seventy-five bags, weighing 150 maunds, value current rupees 1,214.

" Duty at four per cent. 98 9 0.

" Commission.

" No. 451.

" Entered.

(Signed) " A. B. *Collector.*"

XXV. A register of duties collected on goods imported into the respective cities and towns, and a register of the goods on which a drawback of the duties shall be granted under Section XVIII, shall be kept by the collector, according to the forms which may be prescribed by the Board of Trade.

Register of duties on imports and goods on which a drawback shall be granted, to be kept by the collectors.

XXVI. Bills signed by the collector shall be delivered for the amount of all duties, and the commission chargeable thereon, which shall be levied by him.

Bills signed by the collectors, to be delivered for duties levied and commission charged.

XXVII. Should any person refuse or omit to pay the established duties, or if the security tendered for the duties, and the commission chargeable thereon, should not be satisfactory, such part of the goods, as shall be deemed equal in value to the amount of the duties and the commission, shall be secured and deposited in the custom house, until the duties and the commission shall be paid; and, in the event of the amount of the duties and the commission not being discharged within the period of one month from the date on which the same shall have become payable, the goods shall be sold at public sale.

Collectors how to act should any person refuse or omit the payment of the duties and commission.

XXVIII. After deducting the amount of the duties and of the custom house charges, the balance of the sales of goods disposed of, under the preceding section, shall be paid to the owners of the goods, on the owners making application for the same.

Balance of the sales of goods sold under the preceding section, how to be disposed of.

XXIX. Goods subject to duty, and attempted to be conveyed into the city, or town, or it's dependencies, without having paid the established duty, are declared liable to confiscation.

Goods attempted to be conveyed into the city or town without having paid the duty, liable to confiscation.

XXX. Whenever goods shall be detained, on account of circumstances subjecting them eventually to confiscation, the collector shall submit the case, without delay, to the Board of Trade, for their decision.

Collectors to submit to the Board of Trade, all cases of goods detained eventually for confiscation.

XXXI. In the event of goods or merchandize being confiscated under this Regulation, the same shall be sold by public auction, and the neat proceeds of the sales shall be divided as follows:

Proceeds of the sales of goods confiscated, how to be applied.

One-fifth to the collector.

Two

Two fifths, in equal proportions, to the informer and the officers of government making the seizure.

Two fifths to the Company.

Board of Trade may release goods liable to confiscation, or remit other penalties which may have been incurred.

XXXII. The Board of Trade are hereby empowered, in cases in which there may appear to them sufficient cause for so doing, to direct the release of any goods which may have become liable to confiscation, or to remit any other penalties which may have been incurred for the breach of any rule contained in this Regulation.

The Board of Trade may commute higher penalties, for double duty and double commission.

XXXIII. The Board of Trade are hereby further empowered to order double duty and double commission to be levied, in lieu of any higher penalty which may be incurred, in cases in which there may appear to them grounds for mitigation of such penalty.

No collections whatever to be levied, but such as are authorized by this or any other Regulation published in the manner prescribed.

XXXIV. No collections whatever, either as duties, commission, or under any other denomination, shall be levied by any of the officers employed in the collection of the town duties, excepting such as are or shall be authorized by this Regulation, or by any other Regulation, which shall be hereafter enacted, and printed and published, in the manner prescribed in Regulation I, 1803.

Penalty for officers guilty of a breach of the rule in the preceding section.

XXXV. Any native officer, proved, to the satisfaction of the collector, to have been guilty of a breach of the rule contained in the preceding section, shall be dismissed from his employment, under the rules prescribed in such cases by Regulation V, 1804. The offender shall also be subject, in addition to the repayment of the amount or value of the money or property exacted, to such fine as the collector may think proper to impose, provided it exceed not the amount of the officer's salary for six months; and also, that the fine shall not be levied, until it shall have received the sanction of the Board of Trade. When a collector of town duties shall have imposed a fine upon any such officer, and when the fine shall have received the sanction of the Board of Trade, the collector shall certify the same, through the vakeel of government, to the zillah court to which the offender may be amenable, stating the amount of the fine and the sum to be refunded; and the judge, upon the receipt of such document, shall levy the fine to be paid, and the amount to be refunded, by the same process as is prescribed for enforcing decrees of the court.

Fine how to be levied.

Penalty for persons, not being officers of government, guilty of a breach of the rule contained in Section XXX.

XXXVI. Any person, not being a native officer employed by government in the collection of the town duties, who shall exact taxes or duties of any denomination, contrary to this Regulation, or to Regulation XI, 1804, or to any other Regulation which shall be hereafter enacted, and printed and published in the manner prescribed in Regulation I, 1803, whether as a principal or an accessary, shall be liable to prosecution in the courts of adawlut. The judges of the said courts are accordingly required to receive all plaints preferred on account of such exactions, to hear and determine the same within ten days from the date of filing the plaint, or as soon afterwards as the attendance of the necessary evidence may admit; and, on proof, to decree a refund of the amount exacted, with damages equal to double the amount, besides

sides all necessary costs incurred by the plaintiff in the prosecution, as well as a heavy fine to government, proportionate to the circumstances of the offender. The decree, in such cases, shall be enforced by the courts of adawlut, by the process prescribed in other cases; and, if the property of the offender (which shall be applied in the first instance to make good the damages and costs adjudged to the party injured) shall, in any instance, be insufficient to make good the fine to government, the courts are empowered to commute the fine to imprisonment for such period, not exceeding six months, as, on consideration of the case, shall appear to them adequate to the offence.

Collectors, their deputies and assistants and native officers, amenable to the courts of judicature.

XXXVII. The collectors and their deputies and assistants, and their native officers, shall be considered to be amenable, under Section VII, Regulation II, 1803, to the courts of judicature in the zillahs in which the custom houses, to which such officers shall be respectively attached, may be situated, for all acts done by them which may be repugnant to the Regulations prescribed for their guidance; and any person deeming himself aggrieved, under this, or any other Regulation established for the collection of the town duties, by any act done by the Governor General in Council, by the Board of Trade, or by the collectors of the town duties, shall be at liberty to seek redress in the manner prescribed by Section XV, Regulation II, 1803; and all the rules contained in Regulation XI, 1804, from the commencement of Section XLII, to the conclusion of Section LI, of the said Regulation, are hereby declared to be extended to all such complaints as shall be made respecting the collection of the town duties at the cities and towns specified in Section IV, of this Regulation.

Persons deeming themselves aggrieved, how to seek redress.

The present Regulation not to exempt goods from the duties established by Regulation XI, 1804; nor persons proceeding on a pilgrimage from the payment of the established duties in such cases; nor persons dealing in spirituous liquors, taury, or intoxicating drugs, from the established taxes on the manufacture and sale of those articles.

XXXVIII. Nothing contained in this Regulation shall be construed to authorize the exemption of goods, or articles of trade, from the payment of the government customs established by Regulation XI, 1804; or to exempt persons proceeding on a pilgrimage to Allahabad, Hurdwar, or other places of pilgrimage within the ceded and conquered provinces, from the payment of the established duties levied on pilgrims at such places, on account of government; or to exempt persons dealing in spirituous liquors, taury, or intoxicating drugs, from the payment of the established taxes on the manufacture and sale of those articles.

Nor to preclude proprietors from receiving rents arising from the use of land for shops, houses or other buildings; or for orchards, pasture ground, or fisheries; being clearly of the nature of rents.

XXXIX. It is further declared, that nothing contained in this Regulation shall be considered to preclude the proprietors, entitled thereto, from receiving all rents arising from monthly or annual payments now made, or which may be hereafter made, for the use of land, or for houses, shops, or other buildings, erected thereon; or for orchards, pasture ground, or fisheries, sometimes included under the denomination of sayer, being clearly of the nature of rents; and not duties or taxes. All such rents shall be enjoyed by the proprietors entitled thereto, as heretofore.

XL.

Proprietors of land paying revenue to government, not entitled to compensation for sayer duties abolished under this Regulation.

XL. *First.* It having been provided, by the proclamation published by the Honorable the late Lieutenant Governor and the Board of Commissioners in the ceded provinces, under date the 14th of July 1802, that all engagements for the land revenue entered into with government shall be exclusive of sayer duties, and all other duties not connected with the land revenue; and the settlement of the land revenue in those provinces having been formed on the principle abovementioned; zemindars and other actual proprietors of land, paying revenue to government, are not entitled to any compensation, on account of abolition of the sayer duties formerly levied by them in the bazars and gunges situated within their respective estates. As the settlement of the land revenue in the conquered provinces in the Dooab and on the right bank of the river Jumna, and in the territory ceded to the Honorable the English East India Company in Bundlecund, will be formed upon the abovementioned principle, from the commencement of the year 1213 Fusly, the zemindars and other actual proprietors of land, in those territories, paying revenue to government, will be also precluded from demanding any compensation, on account of the abolition of the duties in question, after the settlement shall have been concluded. It is, however, hereby declared to be the intention of government, to make an equitable compensation to the proprietors of lakheraje or rent free lands, adequate to the profit arising from all duties collected by them in bazars and gunges, situated within their respective tenures, either under due authority, or by usage commencing previously to the Company's acquisition of the ceded or conquered provinces, according as the land may be situated in those provinces respectively. Persons who have hitherto exercised the privilege of collecting gunge and bazar duties on lakheraje land are accordingly required, in order to enable government to determine the amount of the compensation to be made to them, to exhibit before the collectors, within twelve months from the date of a public notice to be issued by the collectors to that effect, the titles by which they have levied the gunge and bazar duties collected by them respectively, or proof of their having established the same before the land held by them became subject to the authority of the British government, together with an account of the annual gross and neat produce of such duties for the ten preceding years, or for as many years of that period, not less than five, the accounts of which can be furnished by the parties concerned.

Compensation to be made to the holders of sayer duties, in bazars and gunges situated in lakheraje land, abolished by this Regulation.

Publication to be issued by the collectors, and what information and vouchers to be furnished by the holders of the sayer duties abovementioned.

Second. The collectors, on exhibition of the vouchers and proofs offered, shall enter into a full examination of the same, and shall transmit their proceedings to the Board of Revenue, accompanied by an abstract of the gross and neat produce, in every instance in which they shall be of opinion that the right of collection appears to have been established. In such cases, the collectors shall also state their opinion respecting the amount of the compensation to which they shall consider the claimants to be entitled, regulating the same by taking an average of the neat

Rules for the collectors in receiving and reporting upon claims to compensations.

produce

produce stated in the past accounts for as many years as the accounts can be procured not exceeding ten. On the receipt of the reports required, and after calling for any further information which may be necessary, the Board of Revenue shall forward the same, with their opinion on each case, to the Governor General in Council, who will determine on the right of the several parties to compensation, as well as on the mode of making the same.

All claims of the above nature to be reported by the Board of Revenue to the Governor General in Council.

Third. The amount of the compensation to be granted to the holders of the sayer abolished in lakheraje lands, after a determination on their right thereto, in the mode directed by this section, shall be discharged, in quarterly proportions, by the collector of the zillah in which the gunge or bazar, yielding the sayer abolished, may be situated.

The amount of compensations granted under this section to be paid quarterly by the collectors.

Fourth. In the event of there being any proprietors of petty bazars and gunges in lakheraje land, situated within the ceded or conquered provinces, whose subsistence has been chiefly drawn from the collections now abolished, and who may be subjected to distress or inconvenience, unless some provision be made for them, during the period which may elapse previously to the adjustment of the compensation to be allowed them, the collectors are empowered, on proof of the situation of persons so circumstanced, to make them such monthly allowance as may appear advisable, to be deducted from the amount of the compensation to which they may finally appear entitled; provided that, in no case, the monthly allowance so given exceed the estimated monthly neat produce of the duties hitherto received by the parties respectively.

Collectors authorized to provide for the support of holders of the sayer duties abolished, in certain cases, to obviate personal distress or inconvenience.

XLI. The courts of judicature shall not take cognizance of any claims to compensation, on account of the sayer duties abolished by this Regulation, or by any other Regulation, printed and published in the manner prescribed by Regulation I, 1803. In cases in which the compensation, on account of the abolition of the gunge and bazar duties in lands exempted from the payment of revenue, shall have been finally adjusted with the sanction of the Governor General in Council, and payment of the amount which may be due under such adjustment shall be withheld from the person entitled thereto, the courts of adawlut are empowered to take cognizance of any suit which may be preferred to them for obtaining payment of the amount. If the payment shall have been withheld, pursuant to orders from the Governor General in Council, or the Board of Revenue, the judge, previously to proceeding to the trial of the suit, shall forward the petition of the complainant to the Governor General in Council, in the same manner as is directed with regard to the cases specified in Section XV, Regulation II, 1803; that if it shall appear to him proper so to do, he may afford redress to the party, without bringing the suit to a trial. Suits instituted against government, under this section, and which may be brought to trial, shall be defended by the collector,

The courts of judicature restricted from taking cognizance of claims to compensation on account of sayer duties abolished. Rule for their conduct in such cases.

who

who shall commit the pleading of the cause to the vakeel of government; and, in the event of government being cast, or of the collector being dissatisfied with the decision, he shall report the circumstances to the Board of Revenue, in order that an appeal may be preferred against the decision, if deemed advisable.

A. D. 1805. REGULATION VII.

A REGULATION *for empowering the Governor General in Council, to grant a temporary exemption to covenanted civil servants of the Company, holding certain offices, from the obligations of that part of the oath prescribed to be taken, by certain descriptions of public officers, which prohibits their being concerned in commercial transactions.*—Passed *by the Governor General in Council, on the* 11*th of July* 1805; *corresponding with the* 29*th Assaur* 1212 *Bengal era; the* 29*th Assaur* 1212 *Fusly; the* 29*th Assaur* 1212 *Willaity; the* 15*th Assaur* 1862 *Sumbut; and the* 13*th Rubbee us-sany* 1220 *Higeree.*

WHEREAS covenanted civil servants of the Company, employed in offices in which they are permitted to engage in commercial transactions, on their own account, are occasionally removed to offices in which the being concerned in such transactions is prohibited by the oath prescribed to be taken by persons holding such offices: and whereas instances have occurred, and may hereafter occur, in which the compelling covenanted civil servants so situated immediately to relinquish their commercial concerns, would expose them to considerable loss and inconvenience: and whereas it is just and equitable, that such civil servants should be allowed a reasonable period of time for the adjustment of their commercial concerns, in cases in which such indulgence can be granted, without detriment to the public service; the following rule has been enacted, to be in force in the several provinces subject to the immediate government of the presidency of Fort William in Bengal.

Competent to the Governor General in Council, by an order in council, in certain cases, to grant a temporary exemption to covenanted civil servants, from subscribing that part of the oath prescribed to be taken by civil servants appointed to certain offices, which restricts them from being concerned in trade.

II. In instances in which a covenanted civil servant of the Company, not holding any public office, or holding any public office in which he is not restricted from engaging in commercial transactions by any Regulation printed and published in the manner prescribed by Regulation XLI, 1793, and Regulation I, 1803; shall have engaged in any commercial transactions, and, subsequently to his engaging in such transactions, shall be appointed to an office in which he is prohibited by any Regulation printed and published as aforesaid, from engaging in commercial concerns, it shall be competent to the Governor General in Council, by an order in council, whenever he shall see good and sufficient reason for affording such relief, to grant a temporary exemption to such civil servant, from subscribing to that part of the oath prescribed by the Regulations to be taken by covenanted civil servants of the Company who may be appointed to exercise certain public offices, whereby they are restricted from being concerned in any commercial transaction whatever; and it shall be competent to the Governor General in Council to grant such exemption, for such period of time as he

shall

shall judge reasonable, for enabling such civil servant to bring his commercial concerns to a termination.

Applications for such indulgence to be made to the Governor General in Council, who will refer the same to the Board of Trade, for report.

III. Whenever a civil servant shall be desirous of availing himself of the benefit of this Regulation, he shall state, in writing, to the Governor General in Council, the nature of the commercial transactions in which he is engaged, and the name or names of the place or places at which they are conducted; and the Governor General in Council will refer such statement to the Board of Trade,(b) which Board, in instances in which the grant of indulgence shall appear to them to be indispensably necessary, shall report their opinion to the Governor General in Council as to the period which they may deem it would be reasonable to allow such servant to adjust his concerns.

An additional clause to be inserted in the oath, when exemptions shall be granted under this Regulation.

IV. In instances in which a temporary exemption from subscribing the part of the oath in question shall be granted, under this Regulation, a clause shall be inserted in the oath, specifying the nature of the commercial concern in which the servant to whom the exemption may be granted is engaged, the name of the zillah, or place, in which the concern is conducted, and the period at which his interest in such concern shall cease and determine.

In what cases exemptions shall not be granted under this Regulation.

V. Provided, however, that it shall not be competent to the Governor General in Council to exercise the power reserved to him by this Regulation, in cases in which the commercial concerns of such civil servant shall be conducted within the district or place to which the authority of his office, the oath prescribed for which restricts the person holding the same from engaging in commercial concerns, shall extend; or in cases in which, in the judgment of the Governor General in Council, the official powers of such servant might be improperly employed in aid of such concerns; or in any cases in which the allowing such servant to be engaged in any commercial concern for a limited period of time, might, in the opinion of the Governor General in Council, prove injurious to the public service. In all such cases, such servant shall immediately relinquish his commercial concerns, and subscribe the established oath prescribed for the office to which he may be appointed, and in which he is prohibited from engaging in commercial concerns; or, in the event of his declining to subscribe such oath, he shall be removed from his office.

Commercial concerns to be immediately relinquished in the foregoing cases, and the oath to be subscribed.
Otherwise, the civil servant will be removed from his office.

(b) Or to the Commissioner in Behar and Benares, or to the Board of Commissioners, according to whose control the civil servant may belong.

A. D. 1805. REGULATION VIII.

A REGULATION *for extending to the Conquered Provinces, situated within the Dooab and on the right bank of the river Jumna; and to the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah; such of the Laws and Regulations, established for the internal government of the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, as have not been already extended to those territories; and for revising and amending certain parts of the said Laws and Regulations.*—PASSED *by the Governor General in Council, on the 11th of July* 1805; *corresponding with the* 29*th Assaur* 1212 *Bengal era; the* 29*th Assaur* 1212 *Fusly; the* 39*th Assaur* 1212 *Willaity; the* 15*th Assaur* 1862 *Sumbut; and the* 13*th Rubbee-us sanee* 1220 *Higeree.*

WHEREAS certain territories in the Dooab, or country situated between the rivers Ganges and Jumna, and on the right bank of the river Jumna, conquered by the British arms, have been ceded to the Honorable the English East India Company, in full sovereignty, by treaty concluded with Dowlut Rao Scindiah bearing date the 30th day of December 1803: and whereas certain territories, forming part of the province of Bundlecund, and situated on the right bank of the river Jumna, have been also ceded to the Honorable the English East India Company, in full sovereignty, by the Peishwah, under an article of a treaty concluded with his Highness, bearing date the 16th day of December 1803: and whereas, in addition to the provisions contained in Regulation IX, 1804, for the administration of justice in criminal cases, in the territories aforesaid, it has been deemed to be expedient, that the remaining Laws and Regulations, which have been established for the internal government of the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, should be extended to the said territories, with certain modifications, additions, and amendments; the following rules have been accordingly enacted. (c)

Regulation I, 1803, extended to the conquered provinces, and to the territories in Bundlecund.

II. Regulation I, 1803, is hereby extended to the conquered provinces situated within the Dooab and on the right bank of the river Jumna (with the exception of the city of Dehli and the territory situated on the right bank of the river Jumna, the revenues of which are assigned to his Majesty Shah Alum,) and to the territories ceded to the Honorable the English East India Company in Bundlecund by the Peishwah.

(c) Extended to the pergunnahs of Sonk, Sonsa and Sahar, annexed to the zillah of Agra, by Regulation XII, 1806. The tract of land, situated in the district of Bundlecund, granted as an independent jagheer by the British government to his highness Amrut Rao, is exempted from the operation of the general Regulations. See Regulation VII, of 1816.

III.

The provinces and territories aforesaid to be formed into five zillahs.

How to be denominated.

III. *First.* The provinces and territories, specified in the foregoing section, shall be formed into five zillahs, to be denominated as follows:

The zillah of Allygur.

The northern division of the zillah of Saharunpore. (*d*)

The southern division of the zillah of Saharunpore. (*e*)

The zillah of Agra. (*f*)

The zillah of Bundlecund. (*g*)

Competent for the Governor General in Council, by an order in council, to alter the limits of zillahs, or to form new zillahs.

Second. It shall be competent for the Governor General in Council, by an order in council, to make any alterations in the limits of the zillahs specified in the preceding clause, or to make any annexations to the said zillahs, or separations from them, which shall hereafter appear to him to be advisable, or to form any part of the territories aforesaid into additional zillahs.

The Laws and Regulations of the British government not to extend to the city of Dehli, or to the territories, the revenues of which are assigned to his Majesty Shah Alum.

IV. The city of Dehli, and the conquered territory situated on the right bank of the river Jumna, the revenues of which are assigned to his Majesty Shah Alum, are hereby declared not to be subject to any of the Laws or Regulations of the British government, printed and published in the manner prescribed in Regulation I, 1803. (*h*)

Courts of adawlut to be established in the several zillahs specified in Section III, for the trial of civil suits.
How to be denominated.

V. Courts of adawlut shall be established in the several zillahs specified in Section III, for the trial of civil suits in the first instance, to be denominated after the zillahs in which they are respectively established.

Regulation II, 1803, extended to the zillahs specified in Section III, with certain exceptions and modifications hereafter specified. The modifications prescribed in Clauses Third and Fourth also to be in force in the ceded provinces. Certain sections of Regulation II, 1805, also extended to the zillahs aforesaid.

VI. *First.* Regulation II, 1803, is hereby extended to the zillahs specified in Section III, with the exception mentioned in the following clause, and with the modifications prescribed by Clauses Third and Fourth of this section; which modifications shall be also in force in the ceded provinces. The provisions contained in Sections II, III, VI, VII, VIII and IX, Regulation II, 1805, are also hereby extended to the zillahs specified in Section III of this Regulation.

What dates to be substituted in lieu of the date prescribed by Section XVIII, Regulation II, 1803.

Second. In lieu of the date prescribed by Section XVIII, Regulation II, 1803, the 30th of December 1803, in the provinces constituting the zillah of Allyghur, the northern (*i*) and *southern divisions of the (j)* zillah of Saharunpore, and the zillah of

(*d*) The separate jurisdiction of the dewanny adawlut of this division, was abolished by Regulation XIV, of 1806, and incorporated with the dewanny adawlut of the southern division; but, at present, the Northern division appears to constitute a distinct zillah, comprising both civil and criminal jurisdictions, and styled —the zillah of Merut.

(*e*) Omit the words—"The Southern division of the."

(*f*) The purgunnahs of Sonk, Sonsa and Sahar, have been annexed to this zillah, and the present Regulation extended to them. See Regulation XII, of 1806.

(*g*) To this zillah a portion of the lands which constituted the jaghire of the late killadar of Calenger, and at present ceded to the British government, has been annexed, and the Laws and Regulations in force in the zillah of Bundlecund, are applicable therein. See Regulation XXII, of 1812, Section III.

(*h*) Nor to certain territories and jaghire situated on the borders of the zillah of Bundlecund, relinquished to several Boondelah Chiefs and other persons, as jaghires. See Regulation XXII, of 1812.

(*i*) See note (*d*) of Section III, Clause I, of this Regulation.

(*j*) Omit the words—"And southern divisions of the."

Agra;

Agra; (k) and the 16th of December 1803, in the territory constituting the zillah of Bundlecund; (l) (being the dates on which the said provinces and territories were respectively ceded to the Honorable the English East India Company) shall be considered the periods of limitation for taking cognizance of suits, subject to the several provisions contained in Section XVIII, Regulation II, 1803, and in Sections II and III, Regulation II, 1805.

Rules for determining the validity of bonds in the zillah courts.

Third. The zillah courts are prohibited from decreeing the payment or satisfaction of any sum due on a tummasook or bond, which may be entered into after the promulgation of this Regulation, unless the bonds shall be proved to have been executed in the presence of two credible witnesses, or the payment of the sum demanded on the bond, or some other valuable consideration for it having been received, shall be proved to the satisfaction of the court. But the restriction contained in this clause shall not extend to any bills of exchange, receipts, or notes of hand; in the determination on which the custom of the country shall be abided by.

The foregoing rules not to extend to bills of exchange, receipts, or notes of hand.

Fourth. Section XXI, Regulation II, 1803, is rescinded. And it is hereby declared, that, after the promulgation of this Regulation, an appeal shall lie to the provincial courts of appeal, under the rules prescribed by Regulation IV, 1803, from the decisions of courts of adawlut of the several zillahs in the ceded and conquered provinces, in all suits or matters whatsoever, (m) which shall be tried by the judges of those courts in the first instance; viz. without a previous trial and decision by their registers, or by any of the native commissioners appointed under Regulation XVI, (n) 1803.

Section XXI, Regulation II, 1803, rescinded.

An appeal to lie to the courts of appeal from the decrees of the zillah courts in suits tried by such courts in the first instance.

Fifth. (o) In suits tried by the zillah register, in the first instance, and decided on appeal by the zillah judge, the limitation of appeals to the provincial court of appeal, contained in the two following clauses, shall be considered in force, from the receipt of this Regulation in the several zillah courts in the ceded and conquered provinces.

Limitation of appeal to the courts of appeal in suits decided by the zillah courts in appeal from the decision of the register, to be in force in ceded and conquered provinces.

Sixth. If the suit be for personal property, or for any description of real property not being malguzarry or lakheraje land, and the amount or value adjudged or disallowed by the decree of the judge shall not exceed one hundred sicca rupees; or, if the suit be for land, and the judgment be for or against claim to malguzarry land, the annual produce of which (as defined in Section III, Regulation III, 1803) may not exceed one hundred

In what cases the decrees of the zillah judges upon appeals from the decisions of their registers shall be final.

(k) The 17th April, 1805, in the purgunnahs of Sonk, Sonsa and Sahar, annexed to this zillah by Regulation XII, of 1806.

(l) The 19th June, 1812, in the portion of the lands which constituted the jaghire of the late killadar of Callenger, and now forming a part of this zillah agreeably to Regulation XXII, of 1812, and the 1st May, 1816, in the purgunnah of Handya, annexed to the zillah of Allahabad, by Regulation XVIII, of 1816.

(m) This general sentence includes even summary suits, of which there are several descriptions, but from most of which, there lies no appeal, the remedy lying, in case of grievance, in a regular suit. An appeal shall lie to the provincial courts from the decisions passed by the zillah and city judges on all *regular* civil suits tried and determined by them in the first instance, as well as from the decisions which may be passed by registers under Regulation XXIV, 1814, Section IX, Clause VI, in suits exceeding 500 rupees in value or amount. See Regulation XXV, 1814, Section III, Clause III.

(n) This Regulation has been superseded by the provisions of Regulation XXIII, 1814.

(o) This and the two following Clauses have been rescinded by Regulation XXIV, 1814, Section II.

sicca

sicca rupees; or lakheraje land, the annual produce of which may not be above ten sicca rupees; or, although the decree of the judge be for or against claims to personal or real property exceeding the amount, value, or produce above specified. if the suit be within the limitation of causes referrible to the register, and the decree of the judge shall confirm the decision of the register. the determination of the judge shall be final; unless the provincial court of appeal shall deem it proper to admit a special appeal to that court, under the discretion given by Section IX, of this Regulation.

Unless a special appeal be admitted by the provincial court under Section IX of this Regulation.

In what cases an appeal shall lie to the provincial courts from the decrees of the zillah judges on appeals from the decisions of their registers.

Seventh. If the judge's decree reverse or alter the register's decision, and the amount or value adjudged or disallowed by the decree of the judge exceed one hundred sicca rupees; or, if the judgment so passed in opposition to, or variation from that of the register, be for or against a claim to malguzarry land. the annual produce of which may exceed one hundred sicca rupees; or lakheraje land, the annual produce of which may be above ten sicca rupees; a further appeal shall lie to the provincial court of appeal, under the prescribed rules for appeals to that court.

Decisions of the zillah judges upon appeals from the decisions of the native commissioners, under the provisions prescribed.

Eighth. In suits tried, in the first instance, by any native commissioner, appointed under Regulation XVI, (*p*) 1803, and decided on appeal by the zillah judge, the decision of the latter shall be final as heretofore; provided the cause were originally cognizable by a native commissioner, under the prescribed limitations; and subject to the discretion vested in the provincial court of appeal to admit an appeal in special cases.

Regulation III, 1803, extended to the zillahs specified in Section III, with the following exception, to be also in force in the ceded provinces.

VII. *First.* Regulation III, 1803, is hereby extended to the zillahs specified in Section III, with the exception contained in the following clause; which exception shall also be in force in the ceded provinces.

The limitation of appeals to the Sudder Dewanny Adawlut, under Sections XXIII, XXV and XXVI, Regulation III, 1803, to be an amount exceeding five thousand sicca rupees.

Second. The limitation for appeals to the Sudder Dewanny Adawlut, in the cases of resistance of process provided for by Sections XXIII, XXV, and XXVI, Regulation III, 1803, shall be any amount exceeding five thousand sicca rupees, as provided, in similar cases, by Sections XXIII, XXV and XXVI, Regulation IV, 1803.

Regulation IV, 1803, extended to the zillahs specified in Section III, with the provisions contained in Sections XI and XII, Regulation II, 1805.

VIII. *First.* Regulation IV, 1803, is hereby extended to the zillahs specified in Section III, together with the further provisions contained in Sections XI (*q*) and XII, Regulation II, 1805.

Extent of the jurisdiction of the Bareilly provincial court of appeal in the conquered provinces.

Second. The jurisdiction of the provincial court of appeal, for the division of Bareilly, shall extend over the following zillahs; viz.

Allyghur.

Northern division of the zillah of Saharunpore. (*r*)

Southern division of the zillah of Saharunpore. (*s*)

Agra.

(*p*) The provisions of this Regulation have been superseded by those of Regulation XXIII, 1814.

(*q*) This section has been rescinded by Regulation XXVI, 1814, Section III, Clause I.

(*r*) The denomination of this zillah has been altered as mentioned in Note (*d*) of Section III, Clause I, of this Regulation.

(*s*) Omit the words—"Southern division of the."

Third.

Third. The jurisdiction of the provincial court of appeal, for the division of Benares, shall extend over the zillah of Bundlecund.

Jurisdiction of the Benares provincial court of appeal to extend over the zillah of Bundlecund.

Fourth. The court of Sudder Dewanny Adawlut, the provincial court of appeal for the division of Benares, the judge and magistrate, the collector of the revenue, and all other officers, in the zillah of Bundlecund, and the Boards of Revenue and Trade, (t) shall be guided, in their decisions and proceedings, in all matters relating to the said zillah, by the Regulations which have been, or shall be enacted, and printed and published in conformity to the rules prescribed by Regulation I, 1803, for the internal government of the ceded and conquered provinces.

All the public authorities to be guided in their decisions and proceedings, in all matters relating to zillah Bundlecund, by the Regulations enacted for the ceded and conquered provinces.

IX. *First.* The rules prescribed by the five following clauses shall be in force in the ceded and conquered provinces.

The rules in the five following clauses to be in force in the ceded and conquered provinces.

Second. In all cases wherein a regular appeal may not lie to the provincial courts of appeal, from the decrees of the judges of the zillah courts, under this or any other Regulation, it shall be competent to the provincial court to admit a special appeal, (on performance of the general conditions of appeals) if, on the face of the decree of the zillah judge, or from any information before the provincial court, it shall appear to them erroneous or unjust; or if from the nature of the cause, as stated in the decree, or otherwise, it shall appear to them of sufficient importance to merit a further investigation in appeal. (v)

Discretionary power vested in the provincial courts of appeal to admit appeals from the decisions of the zillah courts, in cases wherein a regular appeal may not lie to those courts.

Third. The discretionary authority, vested in the provincial courts by the above clause, for the special purpose therein stated, is to be used by them with caution; and shall not be considered to entitle any party to demand, of right, an appeal to the provincial court, in cases wherein the judgments of the zillah courts are provisionally made final; *nor shall it preclude the judges of these courts from proceeding as authorized by Section XXII, Regulation II,* 1803, *for a revision of their own judgments in such cases, if it appear to them necessary, and the review be applied for at any time before an appeal shall have been admitted by the provincial court of appeal. The petition for a review, in such cases, will, of course, be presented to the zillah judge, in conformity to Section XXII, Regulation II,* 1803; *(u)* but any petitions for a special appeal to a provincial court, under the preceding clause of this section, are to be presented to the provincial court of appeal, with a copy of the decree of the zillah court, and with *the institution fee* (w) and security required in other cases of appeal.

Discretion vested in provincial courts by the above clause to be used with caution.
Not to entitle any party to demand an appeal, of right.

Nor to preclude the judges of the zillah courts from a revision of their own judgments, if deemed necessary, under Section XXII, Regulation II, 1803; and the review be applied for before the admission of a special appeal by the provincial court. Petitions for a special appeal, under this section, to be presented to the provincial courts, with a copy of the decree appealed from, and the requisite institution fee and security.

(t) The authority and functions of these Boards, as far as related or extended to the western provinces, have been transferred to a Board of Commissioners instituted by Regulations X and XI, 1807, and rendered permanent by Regulation I, 1809.

(v) The provisions of this and the next Clause, as far as relate to a second or special appeal, have been modified by Regulation XXVI, 1814, Section II.

(u) So much of this Clause as appears in Italic characters, has been rescinded by Regulation XXVI, 1814, Section IV, Clause I.

(w) Or the stamp duty substituted in place of the institution fee, by Regulation I, 1814, Section XIII.

Fourth,

Section VI of this Regulation, not to affect any appeals already preferred to the provincial courts; or which may be preferred to them before the promulgation of this Regulation.

Fourth. The limitation of appeals to the provincial courts of appeal, from the decision of the zillah courts, fixed by Section VI of this Regulation, shall not be understood to affect any appeals already preferred to the provincial courts, or which may be preferred to them against decisions of the zillah judges, passed before the promulgation of this Regulation, and appealable to the provincial courts, under the rules now in force.

Nothing in this Regulation to preclude an appeal to the provincial courts under Section XII, Regulation IV, 1803, when the appeal open to the zillah courts from decisions of the registers and native commissioners, may be refused or dismissed on the ground of some default.

Fifth. Nothing contained in this Regulation shall be considered to preclude an appeal to the provincial courts of appeal, under Clause Twelfth, Section XII, (*x*) Regulation IV, 1803, in all cases wherein the appeal open to the judges of the zillah courts, from the decisions passed by their registers, or by any of the native commissioners, may be refused by the zillah courts, on any ground of delay, informality, or other default in preferring it; or, after admission, may be dismissed on the ground of some default, without investigation of the merits of the cause.

Additional provisions for such appeals, and for similar appeals to the Sudder Dewanny Adawlut, under Section X, Regulation V, 1803. Regular pleadings not requisite on such appeals, nor any other than summary proceedings.

Sixth. (*y*) In addition to the provisions for such appeals, and for similar appeals to the court of Sudder Dewanny Adawlut, contained in the clause above mentioned, and in Clause Thirteenth, Section X, Regulation V, 1803; as well as in modification of such parts of these clauses as require that the appeals therein mentioned be preferred in conformity to the rules prescribed with regard to other appeals; it is hereby further provided, that, as the appeal in such cases is not upon the merits of the cause, but merely on the default which is made the ground for rejecting or dismissing the previous appeal, and which must appear on the proceedings of the court by which such appeal may have been rejected or dismissed; it shall not be requisite to hold the regular pleadings upon such appeals; or to hold any other than summary proceedings thereupon; such as may appear sufficient, on consideration of the stated ground for rejecting or dismissing the previous appeal. No *institution fee* (*z*) shall be levied upon such appeals; but if, on investigation, they are found groundless and litigious, the appellant shall be invariably punished by a fine proportionate to his condition and the circumstances of the case. The respondent, in such cases, shall receive notice of the appeal, but shall not be required to attend upon it, unless, in any particular instance, his attendance be found necessary. He shall, at all times, however, have the option of attending the proceedings held upon such appeals; and, if the appellant or respondent appoint a pleader, the court may award to him such fee as it shall consider a sufficient compensation for his labour, under the limitation and provisions contained in Section XIII, Regulation X, (*a*) 1803. No security shall be required from appellants or respon-

No institution fee to be levied upon such appeals; but if found groundless and litigious, the appellant to be invariably fined.

Respondents to receive notice of such appeals, but not to be required to attend upon them, unless it be found necessary. Shall however always have the option of attending the proceedings held on them. And if either party appoint a pleader, the court may award a sufficient compensation to him under Section XIII, Regulation X, 1803. No security to be required from appellants or respondents in the appeals referred to in this

(*x*) Clauses XII and XIII, of this section, have been rescinded by Regulation XXVI, 1814, Section III; wherein see other rules.

(*y*) Modified and added to by the provisions of Regulation XXVI, 1814, Section III.

(*z*) Or the stamp duty substituted in place of the institution fee, by Regulation I, 1814, Section XIII.

(*a*) This Regulation has been rescinded by Regulation XXVII, 1814, Section II: See Section XXXII thereof, and Regulation XXVI, 1814, Section III, Clause XI, regarding the fees payable to pleaders in summary suits or matters.

dents

dents in the appeals referred to in this clause, except for staying the execution of decrees, the security to be given for which shall be the same as is required in other appeals.

clause, except for staying the execution of decrees.

X. Regulation V, 1803, is hereby extended to the zillahs specified in Section III; together with the further provisions contained in Section X, Regulation II, 1805.

Regulation V, 1803, extended to the zillahs specified in Section III, with the provisions contained in Section X, Regulation II, 1805.

XI. (b) The several rules contained in the two following sections shall be in force in the ceded and conquered provinces.

The rules in the two following sections to be in force in the ceded and conquered provinces.

XII. First. When the number of civil causes depending before the judge of any zillah court may be such as to require the aid and appointment of an assistant judge, for the speedy investigation and decision of such causes, the Governor General in Council, at the recommendation of the court of Sudder Dewanny Adawlut, or otherwise, if it shall appear to him expedient, will appoint an assistant judge to the zillah wherein it may be requisite, to be denominated assistant judge of the adawlut of such zillah, who, previously to entering upon the execution of the duties of his office, shall take and subscribe before the Governor General in Council, or before any person whom he may commission to administer it, the same oath as is directed by Section XIII, Regulation II, 1803, to be taken and subscribed by the judges of the zillah courts.

Provision for appointment of assistant judges when requisite.

Oath to be taken by persons so appointed.

Second. The assistant judges, so appointed, are empowered to try and decide, according to the Regulations in force for the administration of civil justice, any causes depending before the judge of the zillah in which they may be appointed to officiate, which shall be referred to them by the judge; and the judges of the zillahs, wherein such assistant judges may be appointed, are empowered to refer to them, from time to time, during the continuance of such special appointments, any cause or causes depending in their respective courts; whether original suits, or appeals from the decisions of their registers, or of the native commissioners.

Powers of assistant judges.

And authority to zillah judges for referring to them any depending causes.

Third. The selection of the particular causes to be so referred to the assistant judges, and the number of causes to be referred to them at any one time, are left to the discretion of the zillah judge, on a general consideration of the business depending before himself and register, and the number of causes already under reference to the assistant judge; but he is to be guided, as far as circumstances may admit, by the rule contained in Section X, Regulation III, 1803, which directs, with certain exceptions, that depending causes be brought on for trial according to the order in which they may be filed. This rule is also to be observed by the assistant judges in the trial of causes referred to them.

What causes to be referred to the assistant judges, and what number at a time.

General rule to be observed in referring and trying such causes.

Fourth. The assistant judges appointed, under this Regulation, are to try the suits referred to them in open court, to be held in the court-house of the zillah adawlut, or in some convenient place adjacent thereto; and a sufficient number of authorized pleaders

Assistant judges to try causes in open court.

Court where to be held.

(b) This and the following section have been rescinded by Regulation XXIV, 1814, Section II.

of

Authorized pleaders to attend the court. And additional pleaders to be appointed, if necessary. Governor General in Council will provide the requisite establishments of ministerial officers.

of the zillah court shall be directed to attend the court of the assistant judge; or, if necessary, an additional number shall be appointed, for this purpose, under the provisions contained in Regulation X, 1803. Any additional establishment of ministerial officers which may be required to attend the assistant judges, in performance of the duties prescribed by Regulation XII, 1803, will also be provided for by the Governor General in Council: but the Mahomedan and Hindoo law officers of the zillah courts, are to expound the law, in all cases wherein it may be requisite, for the determination of causes referred to the assistant judges.

But law officers of the zillah courts to expound the law.

Process in suits referred to assistant judges, by whom and in what manner to be issued.

Fifth. All process which it may be necessary to issue, in suits referred for trial to an assistant judge, shall be issued under the seal of the zillah court, and the signature of the assistant judge; and shall be executed by the officers of the zillah court, in like manner as all similar processes are issued in causes tried by the judge. The process signed by an assistant judge, in suits referred to him, shall be considered of the same force and validity as process signed by the judge; and any disobedience or resistance thereto, shall be equally liable to the penalties declared by the Regulations, for disobedience or resistance to similar process issued by the judges of the zillah courts.

Penalty for disobedience or resistance to such process.

Rules to be observed by assistant judges in the trial of all causes referred to them.

Sixth. In the trial of all causes referred to an assistant judge, he is to be guided by the same rules as are prescribed for the trial of the same causes before the judges of the zillah courts; and his decisions are to be held final or appealable to the provincial court of appeal of the division, under the prescribed rules for appeal, according as the cause would or would not have been appealable to the provincial court, if it had been decided by the judge of the zillah court.

And in what cases their decisions to be held final or appealable to the provincial courts of appeal.

Process of provincial courts respecting causes depending before, or decided by, assistant judges, how to be transmitted and executed.

Seventh. In cases wherein an appeal may lie to the provincial court, from the decision of an assistant judge, as well as in all cases wherein a provincial court of appeal may have occasion to issue process with respect to causes decided by or depending before an assistant judge, such process shall be transmitted to the judge of the zillah; who shall forward the same to the assistant judge; or shall himself comply with the exigency of it, if the assistant judge be not at the time present; or his officers shall have been discontinued; or, if, from any other cause, such process cannot be complied with by the assistant judge. In like manner, all returns to the provincial court by an assistant judge, as well as all other communications by an assistant judge to a provincial court, or to any other court, authority, or office, shall be made through the judge of the zillah wherein he is employed.

Returns from assistant judges, and all communications from them to the provincial courts, or officers, how to be made.

In matters of practice and form not provided for by the Regulations, assistant judges to be guided by instructions of the court of Sudder Dewanny Adawlut.

Eighth. In all matters relating to practice and form, not provided for by this or any other Regulation, the assistant judges, who may be appointed under Clause First of this section, shall be guided by such instructions as they shall receive, through the judges of the zillah courts to which they may be attached, from the court of Sudder Dewanny Adawlut.

Ninth.

Ninth. The court of Sudder Dewanny Adawlut shall report to the Governor General in Council, whenever, from the number of causes depending before the judge of any zillah court, they may be of opinion, that an assistant judge should be appointed under this Regulation; as well as when, from the decision of the causes in arrear, or for any other reason, such provisional appointment may appear to them no longer necessary.

Sudder Dewanny Adawlut to report to the Governor General in Council, when of opinion that an assistant judge should be appointed in any zillah.

As well as when such appointment may appear no longer necessary.

Tenth. If the judge and magistrate of any zillah, wherein an assistant judge may have been appointed, shall be removed from his station, or shall obtain leave of absence from his station, during the continuance of the appointment of such assistant judge, the Governor General in Council will determine, under Section XXIII, Regulation II, 1803, whether to delegate the temporary execution of the duties of judge and magistrate, to the person holding the office of assistant judge, or to make other provision for the same as he may deem proper. But, in case the offices of judge and magistrate of any zillah, where an assistant judge may have been appointed, shall become vacant by the death of the judge and magistrate, as well as in any of the cases specified in Section XV, Regulation XII, 1803, wherein the charge of the offices of judge and magistrate may temporarily devolve to the senior judicial officer upon the spot, the person holding the office of assistant judge, if present, and senior in the Company's service to the register, shall take the temporary charge of the offices of judge and magistrate; and shall be authorized to exercise such part of the powers of judge and magistrate as may be necessary for the purposes specified in the Section abovementioned, and in Section XXIII, Regulation II, 1803; making, at the same time, the report thereby required to the Governor General in Council, for his special orders on the case.

Provision for the temporary execution of the duties of judge and magistrate in any zillah wherein an assistant judge may have been appointed, during the absence or on removal of the judge and magistrate.

Or in any of the specified in Section XV, Regulation XII, 1803, when the assistant judge may be present, and senior in the Company's service to the register.

XIII. The provincial courts of appeal, and zillah civil courts, shall be annually adjourned during the Hindoo festival, called Dussarah, which occurs in the month of Assin or Kartick, corresponding with the English month September or October; and also during the Mahomedan festival of the Mohurrum, which, depending on the lunar year, is not fixed to any particular month. The former adjournment (or Dussarah vacation) shall commence ten days before this festival, and continue for the period of one month of thirty days. The latter adjournment (or Mohurrum vacation) shall commence on the first day of the month of Mohurrum, and continue for fifteen days. Under this rule, when the time of the two festivals may coincide, the vacations also will of course be blended, and no separate adjournment will be necessary; except as far as the fixed period for the one may extend beyond that of the other; as when part of the Mohurrum vacation only fall within the period fixed for the Dussarah vacation; or, on the other hand, when part of the latter only may fall within the period of the former. (c)

The provincial courts of appeal and zillah civil courts to be annually adjourned during the Dussarah and Mohurrum festivals, and for what periods.

(c) The Sudder Dewanny Adawlut is empowered to direct an occasional dispensation of the periodical vacations mentioned in this section, in the instance of any particular court, whenever it may appear expedient. See Regulation I, 1806, Section X: Also the Circular Orders of the Sudder Dewanny Adawlut, new edition, pages 19 and 23, Nos. 14, 16 and 18, Head—MISCELLANEOUS RULES OF PRACTICE.

XIV.

Regulations VI, VII, VIII, XX, XXXV, and LIII, 1803, and Regulation III, 1804, already extended to the conquered provinces by Regulation IX, 1804. Regulation III, 1805, extended to the zillahs specified in Section III. The following provisions to be in force in the ceded and conquered provinces.

XIV. *First.* Regulations VI, VII, VIII, XX, XXXV, and LIII, 1803, and Regulation III, 1804, have been already extended to the zillahs specified in Section III, by Regulation IX, 1804. Regulation III, 1805, is also hereby declared to extend to the said zillahs: and the following further provisions are enacted, to be in force in the ceded and conquered provinces.

Circuits to be postponed, when the dates for commencing them shall fall within the period of the Mohurrum vacation.

Second. The courts of circuit for the divisions of Bareilly and Benares being required, by Regulation VII, 1803, and Regulation II, 1804, to commence their half yearly circuits on the 1st of January and the 1st of July of each year; and, as these dates may occasionally fall within the period of the Mohurrum vacation authorized by Section XIII; when this may occur, the commencement of such circuit shall be postponed, until the expiration of the fixed period for the vacation, or as long as the magistrates of the zillahs, where the first jail delivery is to be held, may, on a reference from the court of circuit, state to be necessary on this account: but, after the actual commencement of the circuit, no jail delivery shall be postponed, on account of such vacation; nor shall the attendance of any person required before the court of circuit be dispensed with on account of the vacation.

But no jail delivery to be postponed after the commencement of the circuit.

Provision for holding a monthly jail delivery of zillah Bareilly.

Third. The jail delivery of zillah Bareilly shall be held monthly, at the commencement of each English month, before the second or third judge (*d*) of the court of circuit who may be present; or, if both the second and third judges (*d*) should be present, before them alternately; such jail delivery, if there be only one judge present besides the senior judge, to be held on the days whereon the court of appeal may not sit. (*e*) But, when the first of the month shall fall on Sunday, the court of monthly jail delivery, directed to be held in zillah Bareilly under this clause, shall not be opened until the Monday following; nor shall any of the courts of circuit sit on Sunday, on any occasion whatsoever. (*f*)

To be held by the senior judge of the court of circuit, (with the sanction of the Nizamut Adawlut) where neither of the other judges shall be present.

Fourth. If, in any instance, neither the second or third judge (*g*) shall be present at the sudder station, to hold the monthly jail delivery directed in the preceding clause; or, if the second or third judge (*g*) who may be present, should, at any time, be prevented by indisposition, or other cause, from holding the prescribed jail deli-

(*d*) Each of the provincial courts of appeal and circuit, consits now of four judges instead of three. See Regulation V, 1814, Section II, and modified by Section III, Clause II, thereof, with respect to the judge who should hold the jail delivery.

(*e*) Inconsequence of separate sittings of the provincial courts of appeal being now authorized by the Regulations, this sentence has become quite superfluous.

(*f*) *Construction by the Nizamut Adawlut*, 31*st March*, 1814. By commencing the jail deliveries of the city early in each month, in the generality of cases wherein further evidence might be required, the judge would be able to procure it in sufficient time to admit of his completing the trial before the close of the month; but that should circumstances occur to render it impracticable for the judge holding a monthly jail delivery to dispose of any particular trial by the end of the month, such trial ought to be postponed for the judge whose duty it may be to hold the session for the ensuing month. Also any miscellaneous business not completed before the end of the month, should be made over to the judge holding the jail delivery for the following month.

(*g*) Each of the provincial courts of appeal and circuit, consists now of four judges instead of three. See Regulation V, 1814, Section II.

very

very at the regular period, and the senior judge of the court of circuit shall be present, the court of Nizamut Adawlut, to whom an immediate report shall be made in all such cases, are empowered to authorize the senior judge to hold the jail delivery of zillah Bareilly for the current month, in such manner as may not impede his discharge of the duties which he is required to perform in the provincial court of appeal, during the absence of the other judges.

Provision for the trial and punishment of guards in charge of convicts, by martial law, in certain cases, when such guards shall be furnished by a provincial battalion, (subject to martial law), or by a regular corps of the army

Fifth. (*h*) Provision is made, by Section XXIII, Regulation VII, 1803, for the punishment of guards, in charge of convicts who may have escaped, and, in certain cases, for committing or holding such guards to bail for trial before the court of circuit. This provision is extended to guards in charge of prisoners who may escape from their custody, whether before or after conviction; but shall not be considered applicable to military guards from the provincial battalions, (while such battalions shall continue subject to military law) or from any regular corps of the army. Whenever it shall appear to a magistrate, that a guard furnished by a provincial battalion, or by any regular corps of the army, has been guilty of wilful neglect in guarding the prisoners under his charge, or in conniving at the escape, or the attempt to escape, of any prisoner, or of any other act of a criminal nature in the discharge of his duty, the magistrate shall cause the offender to be delivered over to the officer commanding the provincial battalion, or the detachment to which he may belong, with a charge in writing, that he may be tried, and punished, on conviction, by a court martial.

The foregoing rule not applicable to charges against such guards, which are cognizable in the civil courts.

Sixth. The mode of proceeding against military guards, directed in the preceding clause, shall be observed, with respect to any other offence involving a breach of military duty, and properly cognizable by courts martial; but shall not be held applicable to any criminal charge against such guards or other sepoys, whether belonging to the provincial battalions or regular corps of the army, which may not involve a breach of military duty, and the cognizance of which may therefore appertain to the civil courts.

Section XXXI, Regulation VII, 1803, and part of Section VI, Regulation XV, 1803, rescinded.

Judges of the provincial court of appeal and court of circuit at Bareilly to apply to the Governor General in Council, whenever they shall be desirous of quitting their stations.

Not to quit their stations, without previous leave, except in cases of emergency.

Seventh. Section XXXI, Regulation VII, 1803, and such part of Section VI, Regulation XV, 1803, as provide rules for the judges of the provincial court of appeal, when a judge of that court shall be desirous of absenting himself from his station, are hereby rescinded. Whenever a judge of the provincial court of appeal and court of circuit, for the division of Bareilly, shall hereafter be desirous of quitting his station, on any account whatever, he shall apply to the Governor General in Council, in the same manner as the zillah judges and magistrates are required to make such applications by Section XXIII, Regulation II, 1803; and, excepting in cases of emergent indisposition, shall not leave his station, until such permission

(*h*) This and the following clause have been re-enacted for the rest of the territories subject to the presidency of Fort William in Bengal, by Regulation XI, 1806, Section X. See the further provisions regarding guards from whom prisoners have escaped, in Regulation XVII, 1816, Section XIV, Clause I.

shall

Reference to be made to the Sudder Dewanny Adawlut and Nizamut Adawlut, before leave is granted.

shall have been obtained. Previously, however, to leave of absence being granted, a reference shall be made from the Governor General in Council to the Sudder Dewanny Adawlut and Nizamut Adawlut, to ascertain the state of the public business depending before the court, and whether the leave of absence desired can be conveniently granted, or otherwise. (i)

Explanation and extension of the provision contained in Clauses Third, Fourth, and Fifth, Section III, Regulation XXXV, 1803.

Eighth. Provision is made, by Clauses Third, Fourth, and Fifth, Section III, Regulation XXXV, 1803, for the punishment of landholders and farmers of land, in certain cases, by the forfeiture of their estates or farms. It is hereby declared, in explanation of the provision contained in the clauses abovementioned, that the said provision shall be considered to extend to landholders or farmers of land who shall be convicted of having themselves been concerned, directly, or indirectly, in any theft or robbery committed within their respective estates or farms, or of having been aiding or abetting therein, or privy to the same. Such landholders and farmers shall be liable to be proceeded against in the manner prescribed by the aforesaid causes, subject to the penalties prescribed therein.

Regulations IX, X, XI, XII, 1803, and Regulation V, 1804, together with Sections XIII and XIV, Regulation II, 1805, extended to the zillahs specified in Section III. The provisions in the following section, to be in force in the ceded and conquered provinces.

XV. Regulations IX, X, (j) XI, XII, 1803, and Regulation V, 1804, together with the rules prescribed by Sections XIII, and XIV, Regulation II, 1805, are hereby extended to the zillahs specified in Section III. The further provisions contained in the following section are enacted; to be in force in the ceded and conquered provinces.

Authority of the zillah judges to refer causes to their registers for trial and decision in the first instance, extended to suits for personal property not exceeding five hundred sicca rupees; or for malguzarry land, the annual produce of which may not exceed five hundred sicca rupees; or for lakheraje land, not producing above fifty sicca rupees per annum; or for other real property, the computed value of which may not be above five hundred sicca rupees.

XVI. (k) First. In addition to the authority vested in the judges of the zillah courts by Section VI, Regulation XII, 1803, for referring to their registers suits for money, or other personal property, not exceeding in amount or value the sum of two hundred sicca rupees; or for malguzarry land, the annual produce of which may not be above two hundred sicca rupees; or for lakheraje land, the produce of which may not be more than twenty rupees; the judges of the above courts, whenever, on consideration of the number of causes under reference to their registers, and the number depending before themselves, it may appear to them conducive to the more speedy administration of justice, are hereby empowered to refer to their registers, for trial and decision in the first instance, any causes depending in their respective courts for money, or other personal property, not exceeding in amount or value the sum of five hundred sicca rupees; or for malguzarry land, the annual produce of which may not exceed five hundred sicca rupees; or for lakheraje land, the produce of which may not be more than fifty sicca rupees per annum; or for any other description of real property, the computed value of which may not be above five hundred sicca rupees.

(i) See the Circular Orders of the Sudder Dewanny Adawlut, new edition, pages 1, 2 and 3, Nos. 1, 2 and 3, Head—ABSENCE OF PUBLIC OFFICERS.

(j) This Regulation has been rescinded by Regulation XXVII, 1814, Section II, and Regulation XXVIII, 1814, Section II.

(k) This whole section has been rescinded by Regulation XXIV, 1814, Section II.

Second.

Second. In the trial of all causes referred to the registers of the zillah courts, under the preceding clause, they shall be guided by the rules prescribed in Regulation XII, 1803, and by the general rules for the trial of civil suits therein referred to.

Rules by which the registers are to be guided in the trial of all causes so referred to them.

Third. Such part of Section IX, Regulation XII, 1803, as declares that the decisions of the registers to the zillah courts shall be final, in suits for money, or other personal property, not exceeding twenty five sicca rupees, is hereby rescinded; and an appeal shall hereafter lie to the zillah judges from all decisions passed by their registers; provided the appeal be preferred in conformity to Section X, Regulation XII, 1803, and the general rules for appeals in force.

Part of Section IX, Regulation XII, 1803, rescinded.

Appeal to lie to the zillah judges from all decisions passed by their registers, under prescribed rules for such appeals.

Fourth. Section XIX, Regulation XII, 1803, whereby the judges of the zillah courts were empowered to refer to their register appeals from the decisions of the native commissioners appointed under Regulation XVI, 1803, provided the property in dispute should not exceed twenty five sicca rupees, and the decrees of the registers thereon are declared final, is hereby rescinded. Decisions passed by the registers upon such appeals, previously to the receipt of this Regulation, shall, however, remain in force, (subject to the discretionary revision of the judge authorized by Section IX, Regulation XII, 1803); and all such appeals which may have been referred by the judges of the zillah courts to their registers, and shall be depending before the latter, on the receipt of this Regulation, may, at the option of the judges, be left to the decision of their registers, subject to an appeal to themselves, under the preceding clause of this section; or the judges may recal from their registers the reference of such depending appeal, and determine the same themselves; or direct a new trial, under the provisions contained in this Regulation.

Section XIX, Regulation XII, 1803, rescinded.

Provision respecting decisions passed under that Regulation, previously to the present Regulation.

Also respecting appeals from decisions of the native commissioners, which may be depending before the registers of the zillah courts, on the receipt of this Regulation.

Fifth. The judges of the zillah courts are also, at all times, authorized to recal from their registers any suits referred to them, under the present and former Regulations, which may not have been decided by their registers; and which, for the more speedy administration of justice, or for any other reason, they may deem it proper to try and determine themselves in the first instance; or to refer for trial to a native commissioner, if the suit be referrible to such, under the Regulations.

Judges of zillah courts authorized at all times, to recal any undecided suits referred to their registers; and to try the same themselves, or refer them to a native commissioner, if referrible to such, under the Regulations.

XVII. *First.* Regulations XIII, XIV, (*l*) XV, XVI, (*l*) XVII, XVIII, XIX, XXI, XXII, XXIII, and XXIV, 1803, are hereby extended to the zillahs specified in Section III. The following provisions are made, in addition thereto; to be in force in the ceded and conquered provinces.

Regulations XIII, to XIX, and XXI, to XXIV, 1803; extended to the zillahs specified in Section III. The following provisions to be in force in the ceded and conquered provinces.

Second. (m) Section XXI, Regulation III, 1803, requiring that all orders and process of the zillah courts be sealed with the seal of the court, and signed by the judge, it has been doubted, whether the judges can authorize their registers to sign the process of court for summoning witnesses to appear before the native commissioners, under the provisions

Judges of zillah courts after signing the order for referring a cause to a native commissioner, may authorize and direct their registers to sign any other necessary process in such causes.

(*l*) Regulation XIV, 1803, has been rescinded by Regulation XXVIII, 1814, Section II, and Regulation XVI, 1803, by Regulation XXIII, 1814, Section II.

(*m*) This and the two following clauses, have been rescinded by Regulation XXIV, 1814, Section II.

contained

contained in Regulation XVI, 1803; or to sign any judicial process, except in cases referred to the registers under Regulation XII, 1803. It is therefore explained, that the judges of the zillah courts, after signing the order for referring a cause to any native commissioner, as required by Clause Fourth, Section VI, Regulation XVI, 1803, may authorize and direct their registers to sign any other necessary process in causes so referred.

Also generally empowered to employ their registers and assistants in signing and issuing any process of court not specially required by any Regulation, to be signed by the judge.

They are also generally empowered to employ their registers and assistants in signing and issuing any process of court, which they may judge proper to be signed and issued by them; and to which the signature of the judge may not be specially required by any Regulation.

Judges of zillah courts further authorized to employ their registers and assistants, or any of their principal native officers in taking the depositions of witnesses.
Provisions under which the depositions are to be so taken.

Third. The judges of the zillah courts are further authorized to employ their registers and assistants, or any of their principal native officers, in taking down the depositions of witnesses whom they may not have time to examine vivâ voce themselves. Provided that such depositions be taken in open court, in the presence of the parties, or their authorized pleaders, whose attestations shall be subscribed to all depositions so taken, in testimony of their having been present; and, if any dispute or question shall arise in the course of taking the evidence of a witness so examined, the judge shall immediately, or as soon as practicable, hear and enquire into the same, in the presence of the witness, and of the parties or their pleaders, and shall pass such order thereupon as may appear to him proper.

The judges may likewise permit their registers to cause the depositions of witnesses, in causes referred to them, to be taken before their assistants, or any principal native officer, in the mode, and under the restrictions specified in this section.
Further restriction in such cases.

Fourth. The judges of the zillah courts may likewise permit their registers to cause the depositions of witnesses, in causes referred to them, to be taken before their assistants, or any principal native officer, in the mode and under the restrictions specified in this section; whenever, from the number of causes depending before their registers, it may appear to them indispensibly necessary for the speedy determination of such causes. But this power shall not be exercised by any register, without the permission of the judge, communicated to him by a written precept; which shall, at all times, be revocable, when the judge may consider it no longer necessary to continue to his register the permission thereby granted.

From Sections I to XXVIII, Regulation XXV, 1803, extended to the zillahs specified in Section III. Regulation XXVI, 1803; and the whole of Regulation XXVII, 1803, excepting Section LIII, also extended to the said zillahs. The rules for the settlement of the land revenue, and for declaring the proprietary rights of the landholders, will be specified in Regulation IX, 1805.

XVIII. *First.* The several Sections of Regulation XXV, 1803, from Section I to Section XXVIII, inclusive, prescribing rules for the conduct of the Board of Revenue (n) and the collectors, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, are hereby extended to the zillahs specified in Section III, Regulation XXVI, 1803, and the whole of Regulation XXVII, 1803, excepting Section LIII, are also extended to those zillahs. The local rules for the settlement of the land revenue in the zillahs specified in Section III, as well as for declaring the proprietary rights of the landholders under the settlement to be made therein, are specified in Regulation IX, 1805.

Penalty for refusing to obey, or resisting, or avoiding compliance with, processes issued under Section LI, Regulation

Second. By Section LI, Regulation XXVII, 1803, the collectors are empowered, in certain cases, to require the personal attendance of any landholder, or other native inhabitant, within their respective jurisdictions. But no penalty has been prescribed

(n) See the Note (t) to Section VIII, Clause IV, of this Regulation.

by

XXVI, 1803, to be in force in the ceded and conquered provinces.

by the Regulations for refusing to obey, or resisting, or avoiding compliance with, the requisition of any process issued under the section abovementioned. It is therefore hereby declared, that any person being a landholder or farmer of land, so offending, will be liable to the penalties prescribed by Sections XXII, XXIII, XXIV, XXV, XXVI and XXVII, Regulation XXVII, 1803, under the provisions therein specified. If the offender shall not be a landholder, or farmer of land, he will be liable to the penalty prescribed in Section XXVIII of the said Regulation. The provision contained in this clause shall be in force in the ceded and conquered provinces.

No settlement in the ceded provinces to be considered final, until it has received the sanction of the Governor General in Council.

Third. Such part of Clause First, Section LIII, Regulation XXVII, 1803, as declares that no settlement shall be considered final in the ceded provinces, until it has received the sanction of the Board of Revenue, is rescinded. Instead of the foregoing rule, it is hereby provided, that no settlement shall be considered final, in the ceded provinces, until it shall have received the final sanction of the Governor General in Council.

Regulation XXVIII, 1803, and the further provisions in Section IV, Regulation II, 1805, extended to the zillahs specified in Section III.

XIX. Regulation XXVIII, 1803, and the further provisions contained in Section IV, Regulation II, 1805, are hereby extended to the zillahs specified in Section III.

Regulations XXIX and XXX, 1803, extended to the zillahs specified in Section III, with the following additional provisions.

XX. *First.* Regulations XXIX and XXX, 1803, are hereby extended to the zillahs specified in Section III, with the following additional provisions.

Period allowed for the delivery of pottahs in the zillahs specified in Section III, instead of that fixed by Section IV, Regulation XXX, 1803.

Second. Instead of the period fixed by Section IV, Regulation XXX, 1803, for the general delivery of pottahs in the ceded provinces, a period of three years, from the conclusion of a settlement with the several landholders and farmers in the zillahs specified in Section III, shall be allowed to them for consolidating the rents of the ryots, and granting pottahs as required.

What periods to be substituted in lieu of that prescribed in Section XII, Regulation XXX, 1803.

Third. The periods specified in Clause Second, Section VI, of this Regulation, shall be substituted in lieu of the period stated in Section XII, Regulation XXX, 1803, according as the same shall be applicable to the zillahs respectively.

Regulation XXXI, 1803, extended to the zillahs specified in Section III. What dates to be substituted for those specified in that Regulation.

XXI. Regulation XXXI, 1803, is hereby extended to the zillahs specified in Section III; but, instead of the dates stated in that Regulation, viz. the 10th November 1789, and the 1st January 1801, the following dates are substituted for the zillahs aforesaid; viz. the 1st January 1792, or 22d Poose 1199 Fusly, in lieu of the 10th November 1789; and the 1st January 1803, or 23d Poose 1210 Fusly, in lieu of the 1st January 1801.

Regulation XXXII, 1803, extended to the zillahs specified in Section III, with the provision contained in Section V, Regulation II, 1805.

XXII. Regulation XXXII, 1803, is hereby extended to the zillahs specified in Section III; together with the further provision contained in Section V, Regulation II, 1805.

XXIII.

Regulations XXXIII and XXXIV, 1803, extended to the zillahs specified in Section III, with the following modification.

XXIII. *First.* Regulations XXXIII and XXXIV, 1803, are hereby extended to the zillahs specified in Section III; with the following modification of the Regulation last mentioned.

What dates to be substituted for that specified in Sections II, III, and IX, Regulation XXXIV, 1803, and for that specified in Sections VII and VIII of the said Regulation.

Second. The 30th of December 1803 shall be the date to be adopted in the zillahs of Allyghur, Agra, (*o*) and the northern (*p*) *and southern division of the* (*q*) zillah of Saharunpore; and the 16th of December 1803 shall be the date to be adopted in the zillah of Bundlecund; in lieu of the date specified in Sections II, III, and IX, Regulation XXXIV, 1803. The 1st of January 1806, shall be adopted in the whole of the above zillahs, in lieu of the date specified in Sections VII and VIII of the said Regulation.

Regulation XXXVI, 1803, extended to the zillahs specified in Section III, with the following modifications,

XXIV. *First.* Regulation XXXVI, 1803, is hereby extended to the zillahs specified in Section III; with the following modifications.

Definition of badshahee grants.

Second. Under the definition of badshahee grants, contained in Clause First, Section II, of the Regulation abovementioned; viz. all grants made by the supreme power for the time being; it is hereby declared, that the following description of grants shall be considered as badshahee. First, royal grants, properly so called. Secondly, grants made by Dowlut Rao Scindiah, or his predecessors in authority, in the conquered provinces in the Dooab, and on the right bank of the river Jumna. Thirdly, grants made by the Peishwah, or his predecessors, in the territory ceded to the Honorable the English East India Company in Bundlecund.

Grants made by any other authorities than those above stated, to be reported to the Governor General in Council, who will determine thereon.

Third. If any grants of the descriptions specified in Regulation XXXVI, 1803, shall have been made by other authorities than those stated in the preceding clause, a report of the same shall be made to the Governor General in Council, who reserves to himself the power of declaring, whether such grants shall be deemed badshahee, and valid, or otherwise.

Date to be substituted for that specified in Regulation XXXVI, 1803.

Fourth. The 1st day of January 1803, or 23d of Poose 1210 Fusly, is substituted for the 1st of January 1801, in the several sections of Regulation XXXVI, 1803, with respect to the zillahs to which that Regulation is now extended.

Regulation XXXVII, 1803, extended to the zillahs specified in Section III.

XXV. Regulation XXXVII, 1803, is hereby extended to the zillahs specified in Section III.

Regulation XL, 1803, extended to the zillahs specified in Section III, with the following further provisions, to be in force in the ceded and conquered provinces.

XXVI. (r) First. Regulation XL, 1803, *is hereby extended to the zillahs specified in Section III, to be in force in the said zillahs from and after the commencement of the year* 1213 *Fusly; with the following further provisions, to be in force in the ceded and conquered provinces.*

(*o*) In the purgunnahs of Sonk, Sonsa and Sahar, annexed to the zillah of Agra, the 17th April, 1805, and the 1st January, 1807, are to be adopted instead of the dates specified in Regulation XXXIV, 1803, Section II, Clause I, and in Sections VII and VIII.

(*p*) See the Note (*d*) to Section III, Clause I, of this Regulation.

(*q*) Omit the words—"And southern division of the."

(*r*) This whole section has been rescinded by Regulation X, 1813, Section II.

Second.

Second. In addition to the security prescribed by Section XXI, Regulation XL, 1803, the collector shall require, from all persons receiving licenses under that Regulation, for the manufacture and sale of spirituous liquors, security (fial zaminy) for their good conduct, and a strict adherence to the terms of the license, in a sum not less than the amount of the tax payable by them for one month. The surety, in all practicable cases, shall be some reputable person, not being a vender of spirits; and must, at all events, possess ostensible means to the amount of his engagements: and the collector shall, as far as possible, prevent the venders from becoming security for each other.

Security to be taken from dealers in spirituous liquors, in addition to that prescribed by Section XXI, Regulation XL, 1803.

Third. To determine the number of licenses to be issued in each year, for the manufacture and sale of spirituous liquors and intoxicating drugs, the collector shall apply to the magistrate of the zillah, for his opinion on the subject; and on receiving such opinion, the collector shall submit the same, with his report, to the Board of Revenue. The Board of Revenue are authorized, generally, to fix on the number of licenses to be issued in each zillah; but shall not exceed any limitation which the magistrate may consider to be necessary for the attainment of any object of police.

Reference to be made to the magistrates respecting the number of licenses to be granted for the manufacture and sale of spirituous liquors, and intoxicating drugs.

The number of licenses granted not to exceed that determined by the magistrates

Fourth. The places of manufacture and vend shall be determined in the same manner as is prescribed in the preceding clause for fixing the number of licenses; and the magistrate shall, at all times, be at liberty to alter the places which may have been originally determined on, should he deem such alteration necessary, either for the purpose of placing the venders more immediately under the inspection and control of the officers of police or otherwise.

Rule for determining the places of manufacture and vend.

Discretion vested in the magistrates in such cases.

XXVII. *First.* Regulations XLI, (s) XLII, and XLIII, 1803, are hereby extended to the zillahs specified in Section III; with the following provision, in addition to the Regulation last mentioned; to be in force in the ceded and conquered provinces.

Regulations XLI, XLII, and XLIII, 1803, extended to the zillahs specified in Section III; with the following provision, to be in force in the ceded and conquered provinces.

Second. No *institution fee* (t) shall be levied on suits instituted in the zillah courts, under Regulation XXXII, 1803; nor on any suits whatever in which the zillah courts, or the provincial courts of appeal, or the Sudder Dewanny Adawlut, may be empowered, by the Regulations, to pass judgment on a summary process.

No institution fee to be levied on suits determined on a summary process.

XXVIII. Regulations XLIV and XLV, 1803, are hereby extended to the zillahs specified in Section III; and the periods prescribed for the operation of the latter Regulation, in the ceded provinces, shall be likewise in force in the said zillahs.

Regulations XLIV, and XLV, 1803, extended to the zillahs specified in Section III.

XXIX. *First.* Regulations XLVI, XLVII, and LII, 1803, are hereby extended to the zillahs specified in Section III; with the following provisions, in addition to the Regulation last mentioned, to be in force in the ceded and conquered provinces.

Regulations XLVI, XLVII, and LII, 1803; extended to the zillahs specified in Section III; with further provisions, to be in force in the ceded and conquered provinces.

(s) This Regulation has been rescinded by Regulation XIII, 1816, Section II.

(t) Or the stamp duty substituted in lieu of the institution fee, by Regulation I, 1814, Section XIII.

Second.

Court of wards how to act when the produce of the estate of a disqualified landholder, shall be insufficient to provide for a separate establishment for the management of it.

Second. In cases in which it shall appear to the court of wards, that the produce of the estate of a disqualified proprietor is insufficient to provide for the expense of a separate establishment for the management of it, in conformity to Regulation LII, 1803, the court are empowered to take such measures as, from the circumstances of the case, may appear to them to be best calculated for providing for the security of the public revenue, and the maintenance of the proprietors of the lands.

Court empowered to invest female proprietors with the management of their lands, when deemed qualified for the charge.

Third. The court of wards are empowered to invest female proprietors of land with the management of their own estates, in cases in which the court may be fully satisfied, that they are competent to the charge, from their capacity and habits of business. The court are immediately to report to the Governor General in Council every instance in which they may exercise the powers vested in them by this section, with the grounds on which they may deem the proprietors qualified for the management of their lands.

Female proprietors invested with the management of their own estates to execute the same engagements as other proprietors not disqualified.

Fourth. Female proprietors who may be exempted from the operation of the Regulations, regarding disqualified landholders, in virtue of the rule contained in the preceding section, are to execute the same engagements as other proprietors who are held qualified for the management of their lands.

Manager's accounts of estates, situated in different zillahs, to be rendered to one collector.

Fifth. Where portions of the same estate, belonging to a disqualified landholder, may be situated in different zillahs, the court of wards are empowered to authorize the monthly and annual accounts of the whole estate, required to be furnished by the manager, to be rendered to the collector of the zillah in which the principal portion of the estate may be situated, instead of delivering separate accounts for each portion to the collector of the zillah in which it may be included.

Cases in which the court of wards are empowered to commit several estates to the charge of one manager.

Sixth. In cases in which, from the contiguity of a number of small estates belonging to disqualified proprietors, two or more of them can be conveniently superintended by one manager, the courts are empowered to entrust as many of the estates to the management of the same person, as may appear to them advisable.

When a guardian may be a party jointly with his ward in any civil suit, security not to be demanded from him.

Seventh. In cases in which a guardian may be a party jointly with his ward, under Clause First, Section XXXVI, Regulation LII, 1803, in any civil suit, the securities required by the Regulations to be taken, from parties in suits, shall not be demanded from the guardians.

Zillah judges authorized under certain circumstances, to nominate guardians to disqualified landholders not subject to the authority of the court of wards.

Eighth. In all cases of joint undivided estates, when one or more of the proprietors shall die, leaving heirs who are under age, lunatics, or idiots, and without nominating, by will, a guardian or guardians to the heirs, it shall be the duty of the judge, within whose jurisdiction such estate may be situated, (or the principal part of it, in the event of it's being situated in two or more jurisdictions) on the receipt of a report from the collector, or from any other person or persons interested in the welfare of the family of the deceased, stating the grounds on which he or they may consider

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sider the next of kin as unfit to be entrusted with the care of the person, or management of the estate, of the heir, to investigate the nature of the objections to the nearest of kin; and, if satisfied himself that they are well founded, the judge shall nominate some other person of character and respectability to act as guardian to the heir; reporting the circumstance, in every instance, to the court of Sudder Dewanny Adawlut.

Rules for the selection of guardians.

Ninth. In the selection of guardians to be appointed, under this Regulation, the judge shall attend particularly to their capacity, character, and responsibility; but the guardianship shall, in no instance, be entrusted to the legal heir of the ward, or other person interested in outliving him.

Compensation to the guardian for his trouble, when necessary, to be fixed by the judge.

Tenth. It is expected that some friends of the family of the deceased will gratuitously discharge the trust of guardian; but if, on any occasion, it may become necessary to make a pecuniary compensation to the person appointed to act as guardian, the amount of such compensation shall be fixed by the judge, on a due consideration of the circumstances of the case.

Guardians to be furnished with a commission and to give security.

Eleventh. The guardians appointed, under the eighth clause of this section, shall be furnished with a commission, under the official seal and signature of the judge; but, previously to the delivery of it, they shall give security for their appearance during the continuance of their trust, and to execute the following obligation:—

Form of obligation to be executed by guardians.

" I A. B. having voluntarily taken upon myself the guardianship of C, proprietor " of a ——— anna share of the estate of D, do hereby solemnly promise and en- " gage to execute the trust committed to me zealously and faithfully to the best of " my judgment, and according to the Regulations which have been or may be pre- " scribed for the guidance of guardians, by the Governor General *in Council*; I will " derive no advantage myself, directly or indirectly, from any monies belonging to " my ward, which may come into my hands in the execution of my trust, beyond " the compensation granted me for my superintendence; nor will I knowingly suffer " any other person to derive therefrom any such undue advantage. I also promise " and engage, to render a true and just account of whatsoever may be received by " me on account of my ward abovementioned, when required to do so by any com- " petent authority; and in the event of it's being proved, that I have been guilty of " any embezzlement, or of any breach of trust injurious to his (or her) property, I " hereby bind myself, my heirs, and successors, to make good treble the amount of " the embezzlement or injury so proved against me."

Duties to be performed by the guardians.

To vote in the election of managers.

Twelfth. Guardians appointed, under this Regulation, shall have the care of the person, maintenance, and, if a minor, the education of the ward. They shall also vote in the election of a manager for the joint undivided estate, as prescribed in Section V, Regulation LII, 1803; and the manager shall account to them for such portion of the profits arising from the estate, as their wards may be entitled to receive, on a fair distribution thereof amongst all the joint proprietors.

Thirteenth.

Estates under charge of managers so elected, liable to be sold for balance of revenue.

Thirteenth. Estates under charge of a manager, elected as stated in the foregoing clause, shall be held answerable for the payment of the revenue assessed thereon; and nothing contained in this Regulation shall be considered as exempting the lands from sale, for the realization of any balances which may, at any time, become due to government.

Mode in which redress may be obtained by persons considering themselves aggrieved by any act, performed by the zillah judges under this Regulation.

Fourteenth. If any person shall think himself aggrieved by any act done by any of the zillah judges, in the exercise of the authority vested in them by this section, he is at liberty to state his complaint, by petition, either to the judge in person, or to the court of Sudder Dewanny Adawlut; and whenever any such complaint shall be made, the judge shall certify a copy of the petition, and of all his proceedings in the case to which it relates, to that court, who are authorized to confirm or rescind his decision, as to them shall appear just and proper; and their judgment, in all such cases, is hereby declared to be final.

Provision for the operation of parts of this Regulation in certain pergunnahs separated from the zillahs of Moradabad, and Etawah, and annexed to the zillah of Allyghur.

XXX. The periods prescribed for the operation of certain parts of this Regulation in the conquered provinces in the Dooab and on the right bank of the river Jumna, and in the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah, shall not be construed to extend to certain pergunnahs separated from the zillahs of Moradabad and Etawah, and annexed to the zillah of Allyghur, conformably to the orders passed by the Governor General in Council, under date the 27th of November 1804, excepting in instances in which such periods shall correspond with those prescribed in the Regulations for the administration of the ceded provinces. In all other instances, the periods prescribed in the Regulations last mentioned, shall be considered to be still applicable to the pergunnahs aforesaid.

Rules to be observed by the judges and magistrates in the ceded and conquered provinces, with the view of making the Regulations generally known throughout their respective jurisdictions.

XXXI. On the receipt of the Persian and Hindoostanee (v) translations of this Regulation, by the judges and magistrates of the zillahs specified in Section III, they shall cause the same to be publickly read in their respective cutcherries, together with the translations of the several Regulations thereby extended to the said zillahs. They shall also require the native pleaders of their respective courts to take copies of the translations of the several Regulations which relate, directly or indirectly, to the administration of justice in civil cases; and shall cause the copies which, by Section X, Regulation XLVI, 1803, they are required to furnish to the cauzees stationed in the several towns and pergunnahs within their respective jurisdictions, to be read and published, for general information, at the cutcherries of the munsiffs, appointed under Regulation XVI, (u) 1803; as well as *of the tehseeldars,* (w) and police daro-

(v) The printing and translating of the Regulations in the Hindoostanee language, have been discontinued. See Regulation VII, 1813, Section IV.

(u) This Regulation has been superseded by Regulation XXIII, 1814, Section II.

(w) The tehseeldarry system of police has been abolished by Regulation XIV, 1807, Section III.

gahs,

gahs, in charge of the police, under Regulation XXXV, 1803. This rule shall be likewise observed with respect to all future Regulations; and is declared to extend to the ceded as well as to the conquered provinces. (*x*)

(*x*) The provisions of this section have been re-enacted for the rest of the territories subject to the presidency of Fort William in Bengal, by Regulation XI, 1806, Section XII.

A. D. 1805. REGULATION IX.

A REGULATION *for enacting into a Regulation certain articles of a Proclamation to be issued in the Conquered Provinces, situated within the Dooab and on the right bank of the river Jumna; and in the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah.*—PASSED *by the Governor General in Council, on the 11th of July 1805; corresponding with the 29th Assaur 1212 Bengal era; the 29th Assaur 1212 Fusly; the 29th Assaur 1212 Willaity; the 15th Assaur 1862 Sumbut; and the 13th Rubbee-us-sany 1220 Higeree.*

THE following articles of a proclamation, which is hereby addressed by the Governor General in Council to the zemindars, independent talookdars, and other actual proprietors of land, paying revenue to government, in the conquered provinces situated within the Dooab (or country lying between the rivers Ganges and Jumna) and on the right bank of the river Jumna, ceded to the Honorable the English East India Company by Dowlut Rao Scindiah; and in the territory situated in Bundlecund on the right bank of the river Jumna, ceded to the Honorable the English East India Company by the Peishwah; are enacted into a Regulation. (*y*)

PROCLAMATION. **Proclamation.**

II. ART. I. Whereas, by Regulation IX, 1804, and Regulation VIII, 1805, the Laws and Regulations established by the British government, for the internal administration of the provinces ceded to the Honorable the English East India Company by the Nawaub Vizier, have been extended, with such modifications and qualifications as were deemed necessary, to the conquered provinces situated within the Dooab and on the right bank of the river Jumna, ceded to the Honorable the English East India Company by Dowlut Rao Scindiah; and to the territory in Bundlecund, situated on the right bank of the river Jumna, ceded to the Honorable the English East India Company by the Peishwah: and whereas it is the intention of the British government, at the expiration of the current year 1212 Fusly, to adopt a plan, for the settlement of the land revenue in the said territories, upon principles of moderation and justice: and whereas it is of importance, that the terms and conditions of such settlement should be made known throughout the territories aforesaid, as early as may be practicable: and whereas it is essential, to the security of the rights and interests of the zemindars, and other landholders, in the said territories, that the nature of their right of property, in their respective estates, under the terms and con- **Preamble.**

(*y*) Extended to the purgunnahs of Sauk, Sonsa and Sahar, (annexed to the zillah of Agra) by Regulation XII, of 1806, Section III, subject to the local modifications prescribed by Section V, of that Regulation.

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ditions hereafter recited, should be publickly acknowledged and declared; it is accordingly hereby proclaimed as follows.

The sayer to be separated from the mâl, and a settlement to be made for the latter, for three years, from the commencement of 1213 Fusly, with the exception in the fifth article.

III. Art. II. At the commencement of the year 1213 Fusly, the sayer of every denomination will be separated from the mâl, or land revenue; and a settlement will be concluded for the land revenue only, in all practicable cases, with the zemindars, or other actual proprietors of the soil, (unless when disqualified by notoriously bad character, or other good and sufficient cause) for a period of three years; viz. for the years 1213, 1214, and 1215 Fusly, (with the exception specified in the fifth article) at a fixed, equal, annual, jumma; it being understood, that such zemindars as are huzzoor tehseel, or allowed to pay their kists immediately to the collector of the zillah, shall be responsible for maintaining the police of their respective zemindarries, with the exception of the police in cities, large towns, and principal gunges, the expense of which will be defrayed by government. (z) In instances, however, in which, from calamity of season, or other good and sufficient cause, any landholder may be unwilling to engage for his lands at such a jumma, for the first year of the lease, as government would otherwise be entitled to demand, with a reference to the probable resources and produce of the lands during the whole of the lease, the settlement will be concluded, for the first lease of three years, at a fair and equitable annual encrease, instead of a fixed, equal, annual, jumma. The cabooleats executed by zemindars, and other actual proprietors of land, or farmers of land, shall contain a clause, restricting them from collecting sayer duties, or any duties whatever, in their respective estates or farms. The collectors are required to explain fully the nature and extent of this restriction, in order that persons, desirous of entering into engagements, may regulate their proposals accordingly. No settlement shall be considered final, until it shall have received the sanction of the Governor General in Council.

At a fixed, equal, annual, jumma.
Huzzoory tehseel zemindars to be responsible for the police, with certain exceptions.

Settlement to be made at an annual encrease, in certain cases.

Restriction to be inserted in the cabooleats of the zemindars.

All settlements to receive the previous sanction of the Governor General in Council.

Rules for concluding a second triennial settlement.

IV. Art. III. At the expiration of the three years specified in the foregoing article, another settlement will be concluded with the same persons, (if willing to engage) for a further period of three years; viz. for the years 1216, 1217, and 1218 Fusly, (with the exception specified in the Fifth Article) at a fixed, equal, annual, jumma, which jumma shall be formed, by taking the difference between the annual amount of the first lease and the actual yearly produce of the land at the time of it's expiration, and adding two thirds of such difference to the annual rent of the first lease.

Rules for concluding a new settlement for four years, on the expiration of the preceding one.

V. Art. IV. At the expiration of the year 1218 Fusly, a new settlement will be concluded with the same persons, (if willing to engage) for a further period of

(z) The tehseeldarry system of police has been abolished by Regulation XIV, 1807, Section III, but the general responsibility of the landholders and farmers of land for robberies, thefts, &c. committed within their respective estates or farms, remains as before. See the provisions of Regulation XXII, 1816, entitled "A Regulation for re-enacting and reducing into one Regulation, with amendments and further provisions, the rules in force for the appointment and maintenance of chokeydars of police."

four

four years; viz. for the years 1219, 1220, 1221, and 1222 Fusly, (with the exception specified in the Fifth Article) at a fixed, equal, annual, jumma, which jumma shall be formed, by adding to the annual rent of the second three years three-fourths of the net encrease of revenue during any one year of that period.

Rules for concluding the several settlements in zillah Bundlecund.

VI. Art. V. The settlement of the land revenue in the territory in Bundlecund, ceded to the Honorable the English East India Company by the Peishwah, to be formed at the commencement of the year 1213 Fusly, will be concluded for one year only, in the first instance, under the general rules notified in this proclamation. The three succeeding settlements of the land revenue in the territory aforesaid will be concluded for the following periods of time; first, for the years 1214, 1215, and 1216 Fusly; secondly, for the years 1217, 1218, and 1219 Fusly; and thirdly, for the years 1220, 1221, and 1222 Fusly; under the terms and conditions specified in this proclamation.

Rules for concluding a permanent settlement, on the expiration of 1222 Fusly.

VII. Art. VI. At the end of the ten years, expiring with the year 1222 Fusly, a permanent settlement will be concluded with the same persons, (if willing to engage, and if no other persons, having a better claim, shall come forward,) for such lands as may be in a sufficiently improved state of cultivation to warrant the measure, on such terms as government shall deem fair and equitable. (a)

Nankar to be allowed to zemindars, in certain cases, and at what rate.

VIII. Art. VII. Those zemindars who may decline entering into engagements for their estates, as also those zemindars whose offers may be rejected by government, shall, for the present, be allowed the same nankar which they have hitherto received from the ruling power for the time being; provided the rate of such nankar shall not, in either of the cases above stated, exceed ten per cent on the jumma of the estate.

In instances in which lands are mortgaged, or transferred on security, the settlement to be made with the person in possession.

IX. Art. VIII. With respect to such zemindarries as may have been mortgaged, or transferred on security, and possession thereof actually given to the mortgagees, or sureties, the settlement will be made with the person in possession of the land, as the temporary representative of the proprietor, leaving the latter to obtain possession, either by a private settlement of accounts, or by a judicial process.

Rule for concluding the settlement of small talooks, or estates, nominally included in large zemindarries.

X. Art. IX. The settlement of such small talooks, or estates, as may be only nominally included in large zemindarries, in the sudder jumma of which their jumma may be comprehended, will be made, separately and distinctly, with the proprietors of such small estates; and they will be allowed to pay their revenue directly to the tehseeldars on the part of government, or to the collector of the zillah, as may be deemed advisable; provided, however, that the talookdars, or proprietors, of such small talooks, or estates, shall be desirous of the separation, or the zemindars shall require it. In the event of a zemindar considering himself aggrieved by a se-

A zemindar or talookdar considering himself ag-

(a) See further rules in Regulation X, 1812, Sections IV and V.

paration

grieved by a separation made in conformity to the foregoing rule, how to proceed.

paration made, in conformity to the foregoing rule; or of a talookdar being dissatisfied at not being separated from a zemindarry, agreeably to what he may have considered as his right; in either case, the party considering himself aggrieved will be at liberty to seek redress in the courts of justice. The collectors, however, shall not allow any disputed claims to interfere with, or delay, the immediate conclusion of the settlement, which, in all doubtful cases, shall be made with the person in possession.

In doubtful cases, the settlement to be made with the person in possession.

Where there are no proprietors, or the proprietors refuse to engage, a village settlement to be concluded for three years.

XI. Art. X. With respect to such lands as are without proprietors, or the proprietors of which may decline entering into engagements, a village setlement shall be concluded, for three years, from the commencement of the year 1213, or the year 1214 Fusly, according as the settlement may be concluded in the provinces ceded by Dowlut Rao Scindiah, or in the territory ceded by the Peishwah, at a fixed, equal, annual, jumma; with the reservation contained in the concluding part of the second article relative to forming the settlement, in certain cases, at an annual encrease. In instances in which a village settlement shall be concluded in Bundlecund, at the commencement of the year 1213 Fusly, such settlement shall be formed only for one year. In all cases of the description mentioned in this article, a preference will be given to the mocuddums, purdhauns, or respectable ryots, of the several villages.

Exception with respect to Bundlecund.

Preference to be given to mocuddums, purdhauns, and respectable ryots.

A khaus or bowlee settlement to be concluded, where no other can be formed.

XII. Art. XI. In instances in which neither proprietors nor farmers shall be forthcoming, or in which they shall not tender suitable conditions of agreement, a khaus or bowlee settlement shall be concluded with the ryots for lands in such predicament; stipulating the shares to be received by the ryots, from the different description of land, as follows: in politch lands, or such as are in full cultivation, government shall receive five pusserees, and the ryot three pusserees: in chunchur lands, or such as have not been cultivated for two or three years, government shall receive two, and the ryot six pusserees: in bunjur, or waste lands, government shall receive one, and the ryot seven pusserees. Chunchur lands, after one year, and bunjur lands, after two years, shall be considered equal to politch. Bunjur lands, after one year, shall be considered equal to chunchur. In khaus settlements, the bhaint, or nuzzerana, shall be abolished. The wages of the putwarries shall be paid by the ryots; but the expense of the mussahut, or measuring, and valuing the crops, shall be defrayed by government, in consideration of the additional pusseree received out of the politch crop. In all cases when crops are valued, the valuation shall be determined by the price current of the day. In khaus settlements, the ryots shall engage, that the cultivation of the lands shall not fall off; and that they shall not undertake the cultivation of new lands until they have accomplished that of the land already engaged for by them.

Rules for dividing the produce between government and the ryots where a khaus settlement shall be made.

Nuzzerana or bhaint abolished. Putwarries wages to be paid by the ryots.

Expense of measuring and valuing crops to be defrayed by government.

Valuation to be determined by the price current of the day. Ryots to engage to keep up the cultivation.

XIII.

XIII. Art. XII. All authorized abwaubs shall be consolidated and incorporated with the land rent, and expressed in the pottahs and cabooleats; and nothing but what is there expressed shall be collected from the ryots or under-renters.

All authorized abwaubs to be consolidated with the land rent, and expressed in the pottahs and cabooleats.

XIV. Art. XIII. All persons who may enter into engagements for the settlement, shall bind themselves, by written obligations, to grant pottahs, of the above description, to their ryots and under-renters of every description; specifying the amount to be paid by such ryots and under-renters respectively; and counter engagements shall be executed by the ryots and under-renters of a similar tenor and purport.

Persons entering into engagements to grant pottahs of the above description to the ryots; and ryots shall execute counter engagements.

XV. Art. XIV. All persons who may enter into engagements with government, shall previously give security for the fulfilment thereof, in an amount equal to one-fourth of their annual jumma.

Security to be given by persons entering into engagements with government, equal to one-fourth of the jumma.

XVI. Art. XV. In concluding the settlement of the land revenue, in the territories mentioned in this proclamation, at the commencement of the year 1213 Fusly, the allowance of nankar to such of the zemindars as may engage for their lands, shall be regulated by deducting the amount of the nankar from the jumma, and taking engagements from the zemindars for the neat residue; provided that the deduction for nankar shall not, in any instance, exceed ten per cent on the neat jumma.

In concluding the settlement, the nankar to be deducted from the jumma, if not exceeding ten per cent.

XVII. Art. XVI. Persons having claims to lands, for which engagements have been entered into with the present possessors, and who shall not prefer their claim to regain possession of the same within six months from the date (as recorded in the respective zillahs) of issuing this proclamation, shall not be entitled to be restored to the actual possession of such lands, before the expiration of the year 1213 Fusly, if the lands are situated in the zillah of Bundlecund; or before the expiration of the first triennial lease, ending with the year 1215 Fusly, if the lands are situated in the zillah of Allyghur, the northern or southern division of the zillah of Saharunpore, or the zillah of Agra. Persons preferring such claims, in the zillah of Bundlecund, after the expiration of the year 1213 Fusly, and before the conclusion of the first triennial lease in that zillah, ending with the year 1216 Fusly, shall not be entitled to regain possession of the lands claimed by them, until such lease shall expire. Persons who shall not prefer their claims, before the expiration of the first lease of three years; that is to say, before the commencement of the year 1216 Fusly, in the zillah of Allyghur, the northern or southern division of the zillah of Saharunpore, or the zillah of Agra; or before the commencement of the year 1217 Fusly, in the zillah of Bundlecund; shall not be entitled to regain possession of the lands claimed by them, until the expiration of the ten years, or the commencement of the year 1223 Fusly. But this rule shall not be considered to restrict persons from preferring their claims, at any time within the ten years.

Rules respecting the claims of persons having claims to lands, who shall not prefer the same within certain periods.

XVIII.

Report to be made to the Board of Revenue, when a collector shall judge it inexpedient to conclude a settlement with a zemindar: proceedings to be held on the occasion.

XVIII. Art. XVII. In instances in which a collector shall judge it to be inexpedient to conclude a settlement with a zemindar, he shall hold proceedings on the subject, detailing at large, his reasons for rejecting the claim, with whatever information he may have obtained respecting such zemindar; at the same time, receiving the zemindar's answer to the objections urged to his claim. The collector shall then transmit the whole of his proceedings to the Board of Revenue, (*b*) and shall await their determination thereon.

Large zemindarries not to be entrusted to zemindars.

XIX. Art. XVIII. The collectors shall not, in any instance, entrust the settlement, or the collection, of the revenues of a considerable zemindarry to a tehseeldar. The settlement of all zemindarries of the above description shall be concluded immediately by the collectors, to whom the revenue of such zemindarries shall also be immediately paid. In like manner, the collectors shall conclude the settlement, and receive immediately into their respective treasuries, the collections of all other lands which they can bring under their immediate superintendence, without detriment to their general avocations

The settlement and collections of all other lands to be likewise managed by the collectors in all practicable cases.

XX. Art. XIX. In instances in which lands to a considerable amount shall be let in farm, to one individual, and government shall be of opinion, from the report of the Board of Revenue, (*b*) that the other avocations of the collector will admit of the measure, the rent of such farm shall be paid immediately into the treasury of the collector, instead of being received through the channel of a tehseeldar.

Rent of considerable farms to be paid immediately into the treasuries of the collectors, in certain cases.

XXI. Art. XX. With the view of obviating any misconstruction of the rule to be adopted, in adding to the jumma a portion of the encreased produce, in concluding the settlements to be formed, at the commencement of the Fusly years 1216 and 1219, or 1217 and 1220, (according as the settlements shall be concluded in the provinces ceded by Dowlut Rao Scindiah, or in the territory ceded by the Peishwa;) it is hereby declared, in explanation of the third and fourth articles of this proclamation, that the amount of the nankar, to which the zemindars will be entitled, conformably to the engagements entered into by them, under this proclamation, shall be deducted from the actual yearly produce of their estates, at the time of the expiration of each lease, and the actual encrease of public revenue, to be assessed agreeably to the articles above specified, shall be calculated on the amount of the difference between the actual net produce, after such deduction, and the annual amount of the former lease. It is, at the same time declared, that the portion of the encreased produce, relinquished to the zemindars under the above mentioned articles, on the formation of the successive settlements, shall be considered as precluding all claim, on the part of the zemindars, to any further proportion of such encreased produce, on

Explanation of the third and fourth articles of this proclamation, respecting the rule to be adopted in adding to the jumma a portion of the encreased produce, in concluding the future settlements.

(*b*) The duties, powers and authorities of this Board, in the ceded and conquered, western, or upper provinces, have been vested in a Board of Commissioners constituted by Regulation X, 1807, and rendered permanent by Regulation I, 1809.

account

account of nankar. in addition to the deduction which will be made and continued to them on this account.

XXII. Art. XXI. A discretionary power is vested in the landholders to grant small portions of land, exempt from the payment of revenue, for the support of their village watchmen, whenever they shall prefer making such grants to paying the watchmen a pecuniary allowance. Such grants, however, shall be resumable, on the death or removal of the persons to whom they may be made; and the lands thus exempted from the payment of rent, as well as any other lands held by public officers or private servants exempt from rent, in lieu of wages, and not forming part of any authorized lakheraje grants, or tenures, within the provisions of Regulations XXXI and XXXVI, 1803, shall be considered to form a component part of the malguzarry lands of the estates to which they may respectively appertain, for the revenue assessed upon which they will consequently be held responsible, in common with all other malguzarry lands included therein.

A discretionary power vested in the landholders to grant small portions of land for the support of village watchmen, exempt from the payment of rent. Such lands resumable, on the death or removal of the persons to whom they may be granted.

And considered responsible for the revenue assessed upon the estates to which they may respectively appertain.

XXIII. Art. XXII. The Governor General in Council hereby notifies to those zemindars, independent talookdars, and other actual proprietors of land, whose lands may be held khaus, or let in farm, in consequence of their refusing to pay the assessment required of them, under this proclamation; that the zemindars, independent talookdars, and other actual proprietors of land, whose lands may be held khaus, shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which shall be required of them, in conformity to the prescribed rules for the settlement of the land revenue; and that the zemindars, independent talookdars, and other actual proprietors of land, whose lands may be let in farm, shall not regain possession of their lands, before the expiration of the period for which they may be farmed, (unless the farmers shall voluntarily consent to make over to them the remaining term of their lease, and the Governor General in Council shall approve of the transfer) but that, at the expiration of that period, upon their agreeing to the payment of the assessment which shall be required of them, they shall be reinstated, under the general Regulations, in the management of their estates respectively.

Proprietors of lands held khaus or let in farm, will be restored to the management of the same, on agreeing to the payment of the required assessment. Restriction with respect to lands let in farm.

XXIV. Art. XXIII. It is well known to the zemindars, talookdars, and other descriptions of landholders, in the provinces situated in the Dooab and on the right bank of the river Jumna, which have been ceded to the Honorable the English East India Company by Dowlut Rao Scindiah and the Peishwah, that from the earliest times, until the present period, the public assessment upon the lands has never been fixed; and that, according to established usage and custom, the rulers of those territories, and their delegates, have exercised a discretionary and despotic authority in depriving them of the possession of their zemindarries, talooks, and other tenures; whereby their right of property therein has become precarious and of little

Assessment in former times liable to variation at the discretion of the ruling power.

value

value; whilst the lands, from being let in farm to strangers, or otherwise disposed of, have been impoverished; and the tenants and cultivators of the soil have been exposed to rapacity and oppression. With a view of promoting the interests of the landholders, and to enhance the value of their estates; as well as to induce them to encourage their under tenants, and to extend cultivation, under the certainty that they will enjoy the fruits of their industry and good management; the Governor General in Council has, by the rules contained in the preceding articles of this proclamation, not only directed a settlement to be immediately made with the zemindars and other proprietors of land, who shall be willing to engage for the revenue of their respective estates, but has also declared, that a permanent assessment shall be fixed, at the end of ten years, on such lands as shall be in a state of cultivation sufficiently advanced to render it proper to fix the assessment on the same in perpetuity; and the Governor General in Council further declares the proprietary rights of all zemindars, talookdars, and other descriptions of landholders possessing a right of property in the lands composing their zemindarries, talooks, or other tenures, to be confirmed and established, under the authority of the British government, in conformity to the laws and usages of the country, and to the Regulations which have been, or shall be hereafter enacted by the Governor General in Council.

Motives of the Governor General in Council for abolishing this usage, and providing for a permanent assessment.

The following declarations published to proprietors of land.

XXV. Art. XXIV. To prevent any misconstruction of the declaration contained in the foregoing article, the Governor General in Council deems it to be necessary to publish the following declarations to the zemindars, independent talookdars, and other actual proprietors of land.

Government to enact such Regulations as they may think necessary for the welfare of the dependent talookdars, and cultivators; and proprietors not to withhold the revenue on that account.

First. It being the duty of the ruling power to protect all classes of people, and more particularly those who, from their situation, are most helpless, the Governor General in Council will, whenever he shall deem it proper, enact such Regulations as he shall judge to be necessary, for the protection and welfare of the dependent talookdars, ryots, and other cultivators of the soil; and no zemindar, independent talookdar, or other actual proprietor of land, shall be entitled, on this account, to make any objection to the discharge of the assessment on their lands which they have respectively agreed, or may hereafter agree, to pay.

All internal duties that may be hereafter established, to belong exclusively to government.

Second. The Governor General in Council having, by Regulation XI, 1804, abolished all the duties coming under the denomination of sayer, rahdarry, zemindarry, or any other denomination, levied on goods or merchandize of any description, with the exception of the established duties levied by government in bazars and gunges, which duties have been since abolished by Regulation VI, (c) 1805, and a town duty established in lieu thereof; and it being provided, by the second article of this proclamation, that all engagements for the land revenue, entered into with government, shall be exclusive of sayer duties, and of all other collections not

(c) This Regulation has been rescinded by Regulation X, 1810, Section II, and other rules thereby enacted.

connected

connected with the land revenue; the Governor General in Council hereby declares, that, if he should hereafter think it proper to establish any internal duties, and to appoint officers, on the part of government, to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.

Jumma that may be assessed on alienated lands, to belong exclusively to government.

Third. The Governor General in Council will impose such assessment, as he shall deem equitable, on all lands held exempt from the public revenue, which have been, or shall be, proved to be so held, under illegal or invalid titles. The assessment thus imposed will belong to government; and no proprietor of land will be entitled to any part of it.

Police allowances in land or money, resumable by government, on the proprietors being exonerated from the charge of keeping the peace.

Fourth. The jumma of those zemindars, independent talookdars, and other actual proprietors of land, with whom a settlement shall be concluded, under the terms set forth in the present proclamation, shall be considered exclusive of any allowances which may be made to them, in the adjustment of their jumma, for maintaining tannahs, or police establishments; and also of the produce of any lands which they may be permitted to appropriate for the same purpose; and the Governor General in Council reserves to himself the option of resuming the whole or any part of such allowances, or of the produce of such lands, if he should, at any time, think it to be proper to exonerate the proprietors of land from the charge of keeping the peace, and to appoint officers, on the part of government, to superintend the police of the country. The Governor General in Council, however, declares, that the allowances, or the produce of lands, which may be thus resumed, will be appropriated to no other purpose but that of defraying the expense of the police. (d)

Proprietors at liberty to transfer their lands, without the sanction of government.

XXVI. Art. XXV. That no doubt may be entertained, whether it be lawful for proprietors of land to dispose of their estates, without the previous sanction of government, the Governor General in Council notifies to the zemindars, independent talookdars, and other actual proprietors of land, that they are at liberty to transfer, to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary rights, in the whole, or any portion, of their respective estates, without applying to government for it's sanction to the transfer; and that all such transfers will be held valid, provided that they be conformable to the Mahommedan or the Hindoo laws, (according as the religious persuasions of the parties to each transaction may render the validity of it determinable by the former or the latter code) and that they be not repugnant to any Regulations now in force, or which shall be hereafter enacted by the British government. It is, at the same time, hereby declared, that no private transfer, by sale, gift, or otherwise, nor any private mortgage or other assessment upon land

Provided the transfer be conformable to law, and not contrary to the Regulations.

Such transfer declared not to affect the right of government to hold the

(d) The landholders and farmers of land have been exonerated from their responsibility as officers of police, by Regulation XIV, 1807, Section III, and their allowance on such account therefore discontinued by Sections XIV and XV, of that Regulation.

assessed

lands answerable for the revenue assessed thereon.

assessed with the public revenue, will be admitted, in any respect, to affect the indefeasible right of government to hold all such lands answerable, in the first instance, for the public revenue assessed thereupon.

Rules for apportioning the fixed jumma on portions of estates, in the event of their being disposed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors, upon the transfer or division being notified to the collector, or other prescribed officer.

XXVII. Art. XXVI. Whenever an entire estate (viz. the whole of any landed property, for the assessment on which a distinct engagement has been or shall be entered into between government and the proprietor, or which shall be separately assessed, although included in one engagement with other estates belonging to the same proprietor) shall be disposed of, by public or private sale, without any subdivision of such estate, no new allotment of the jumma will be requisite, and the purchaser will succeed to all the rights of the former proprietor in the entire estate. But it is essential, that a declaration should be made of the principles upon which the public assessment, or jumma, charged upon any such estates, will be apportioned on the several divisions of it, in the event of the whole of it being transferred, by public or by private sale, or otherwise, in two, or more lots, or of a portion of it being transferred in one, or in two, or more lots, or of it's being joint property, and a division of it being made among the proprietors. The Governor General in Council has accordingly prescribed the following rules for apportioning the public assessment in the several cases abovementioned; and, as government might sustain a considerable loss of revenue by disproportionate allotments of that assessment, were the apportioning of it, in any of the cases above specified, to be left to the proprietors, it is hereby required, that all such transfers or divisions as may be made, by the private act of the parties themselves, be notified to the collector of the revenue of the zillah in which the lands shall be situated, or such other officer as government shall in future prescribe, in order that the public assessment, or jumma, charged upon the whole estate, may be apportioned on the several shares in the manner hereafter directed; that the names of the proprietors of each share, and the jumma charged thereon, may be entered in the public register; and that separate engagements for the payment of the jumma, assessed upon each share, may be executed by the proprietors, who will thenceforward be considered as proprietors of distinct estates. If the parties concerned in such transfers or divisions of estates shall omit to notify the same to the collector of the revenue of the zillah, or such other officer as shall be hereafter prescribed, for the purposes beforementioned, the whole of the original estate will be held responsible to government, for the discharge of the jumma assessed upon it, in the same manner as if no such transfer or division had ever taken place. The Governor General in Council deems it to be necessary further to notify, in elucidation of the declarations contained in this article, that, if any zemindar, independent talookdar, or other actual proprietor of land, shall dispose of a portion of his or her lands as a dependent talook, or any other under-tenure, to remain as a dependency, subject to the payment of rent to the proprietor of the estate, of which such talook may form a part, the jumma which may be

But the transfer of dependent talooks, not to affect the rights or claims of government in any respect.

be stipulated to be paid by the dependent talookdar, or other under-tenant, will not be entered in the records of government, nor will the transfer exempt such lands from being answerable, in common with the remainder of the estate, for the payment of the public revenue assessed upon the whole of it, in the event of the proprietor, or his or her heirs, or successors, falling in arrear, from any cause whatever; nor will such transfer be allowed, in any case, to affect the rights or claims of government, any more than if it had never taken place.

First. In the event of the whole estate of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or shall be, concluded, being exposed to public sale, by order of the Governor General in Council, for the discharge of arrears of the public assessment, or in consequence of the decision of a court of justice, in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to it's actual neat produce, as the public assessment upon the whole of the lands sold may bear to the whole of their actual neat produce. The neat annual produce is to be understood to be the neat annual rent, or other neat produce, receivable by the proprietor, after deducting from the gross rent, or other gross produce, the actual expenses of collection, and other usual charges of management, inclusive of the expense of embankments, and similar incidental expenses, where such may be paid by the proprietor from his gross receipts; but exclusive of his malikanah, nankar, or other proprietary income, and all other personal appropriations of the gross produce of his estate, as such can have no claim to consideration, in determining the neat produce for an equal division of landed property, or for the allotment of the public assessment thereon, in conformity to the rules prescribed. The neat produce, as here defined, shall be ascertained in the mode that is, or shall be, prescribed by the Regulations; and the purchaser or purchasers of such lands, and his, her, or their heirs, and lawful successors, shall hold them at the jumma at which they may be so purchased, subject to the general rules in force, at the time of sale, for the periodical or permanent assessment of the land revenue.

Explanation of the term, actual neat produce.

Second. When a portion of the estate of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or shall be, concluded, shall be exposed to public sale, by order of the Governor General in Council, for the liquidation of arrears of assessment, or pursuant to the decision of a court of justice, the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual neat produce, as the assessment upon the whole of the lands of such proprietor, included in the same estate, may bear to the whole of their actual neat produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to it's actual neat produce,

as the assessment upon the whole of the lands of such proprietor, included in the same estate, may bear to the whole of their actual neat produce. The actual neat produce of the whole of the lands of such proprietor, whether the portion of such lands which may be sold be disposed of in one, or in two, or more lots, shall be ascertained in the mode that is or shall be prescribed by the Regulations; and the purchaser or purchasers of such lands, and his, her, or their heirs, or successors, will be allowed to hold them at the jumma at which they may be so purchased, subject to the general rules in force, at the time of sale, for the periodical or permanent assessment of the land revenue.

Third. When a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or shall be, concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof to one person, or to two or more persons in joint property, by private sale, gift, or otherwise, the assessment upon each distinct portion of such estate, so transferred, shall be fixed by the collector, or other authorized officer of government, at an amount which shall bear the same proportion to it's actual neat produce as the assessment upon the whole of the estate of the transferring proprietor, of which the whole or a portion may be so transferred, may bear to the whole of it's actual neat produce. This produce shall be ascertained in the mode that is, or shall be, prescribed in the Regulations; and the person or persons to whom such lands may be transferred, and his, or her, or their heirs, and lawful successors, shall hold them at the jumma at which they may be so transferred, after the same shall have been duly sanctioned and registered, and engaged for; subject to the general rules in force, at the time of transfer, for the periodical or permanent assessment of the land revenue.

Fourth. Whenever a division shall be made of lands, the settlement of which has been, or shall be, concluded with, or on behalf of, the proprietor or proprietors, and that are or may become the joint property of two or more persons, the assessment upon each share shall be fixed by the collector, or other authorized officer of government, at an amount which shall bear the same proportion to it's actual neat produce, as the jumma assessed upon the whole of the estate divided may bear to the whole of it's actual neat produce. This produce shall be ascertained in the mode that is, or shall be, prescribed by the Regulations; and the sharers, and their heirs, and lawful successors, shall hold their respective shares at the jumma which may be so assessed upon them, after the same shall have been duly sanctioned, registered, and engaged for; subject to the general rules in force, at the time of the division, for the periodical or permanent assessment of the land revenue.

Rules for adjusting the jumma of lands held khaus, or let in farm, in

XXVIII. Art. XXVII. The following rules are prescribed, respecting the adjustment of the public assessment or jumma on the lands of zemindars, indepen-

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dent talookdars, and other actual proprietors of land, whose lands are, or may be, held khaus, or let in farm, by government, in the event of their being disposed of by public sale, or transferred by any private act of the proprietor, or of their being joint property, and a division of them taking place amongst the proprietors.

the event of the whole, or any parts of them being disposed of by public sale, or private transfer, or divided amongst the proprietors.

First. If the whole, or a portion, of the lands of a zemindar, independent talookdar, or other actual proprietor of land, who may not have agreed to the payment of the assessment proposed to him or her, and whose lands are, or shall be, held khaus, or let in farm by government, shall be exposed to public sale, in one, or in two, or more lots, pursuant to the decree of a court of justice, such lands, if khaus, shall be disposed of at whatever assessment the Governor General in Council shall deem equitable; and the purchaser or purchasers of such lands, and his, or her, or their heirs, and lawful successors, shall hold the lands at the assessment at which they shall be so purchased, subject to the general rules in force, at the time of sale, for the periodical or permanent assessment of the land revenue. If the lands, at the time of their being exposed to sale, shall be held in farm, and shall be put up in one, or in two, or more lots; they shall be disposed of under the following conditions. The purchaser or purchasers shall receive, during the unexpired part of the term of the lease of the farmer, whatever such proprietor shall have been entitled to receive, in virtue of his or her proprietary rights, on account of the lands so purchased; and such purchaser or purchasers shall, at the expiration of the lease of the farmer, be put in possession of the lands, on his or their engaging to pay such assessment as government may deem equitable, under the general rules in force for the assessment of the land revenue.

Second. If a zemindar, independent talookdar, or other actual proprietor of land, whose lands are, or may be, held khaus, or let in farm, by government, shall transfer, by private sale, gift, or otherwise, the whole or a portion of his or her lands, in one, or in two, or more lots, and such transfer be legal and valid, under the Regulations, the person or persons, to whom the lands may be so transferred, shall be considered to have succeeded to the whole of the proprietary rights of the former possessor, and will accordingly be entitled to receive any malikanah or nankar, to which the former proprietor was entitled, on account of the lands so transferred. Persons to whom such lands may be so transferred, will stand in the same predicament as the zemindars, independent talookdars, or other actual proprietors of land, mentioned in the eighteenth article, whose lands are held khaus, or have been let in farm, in consequence of their refusing to pay the assessment required of them, under this proclamation; and the declarations contained in that section are to be held applicable to them.

Third. In the event of a division being made of lands which are or shall become, the joint property of two or more persons, and which are, or shall be, held khaus, or

let

let in farm, by government, the proprietors of the several shares will stand in the same predicament, with regard to their respective shares, as the zemindars, independent talookdars, and other actual proprietors of land, specified in the eighteenth article, whose lands have been let in farm, or are held khaus, by government, in consequence of their having refused to pay the assessment required of them; and the declarations contained in that section are to be considered applicable to them.

Nothing in the two preceding articles to preclude the revision of allotment of the assessment on portions of estates, in cases of evident error, collusion, or fraud.

XXIX. Art. XXVIII. Nothing in the two preceding articles shall be understood to preclude the revision and correction of allotments of the public assessment, upon portions of estates disposed of by public sale, or private transfer, or upon the partition of joint estates, in cases of evident error, collusion, or fraud, for which provision has been made by Regulation XXVI, (e) 1803, prescribing rules for the sale and division of lands paying revenue to government; nor shall any thing in the foregoing section be construed to authorize the collectors, or any other officers of government, to determine finally the amount of the public assessment to be allotted upon the portion of an estate, whether publicly or privately disposed of, or divided between sharers, without the sanction of the Board of Revenue, (f) as more fully provided for by the Regulation abovementioned.

(e) A considerable part of this Regulation has been rescinded by Regulation XIX, 1814, Section II, and other rules enacted in lieu thereof.

(f) See the Note to Section XVIII, of this Regulation.

A. D. 1805 REGULATION X.*

A REGULATION *for amending the constitution of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut as far as relates to the appointment of the Chief Judge of those courts.*—PASSED *by the Governor General in Council, on the 25th July 1805; corresponding with the 11th Sawon 1212 Bengal era; the 14th Sawon 1212 Fusly; the 11th Sawon 1212 Willaity; the 14th Sawon 1862 Sumbut; and the 27th Rubbee-us-saanee 1220 Higeree.*

WHEREAS with the view of providing for the more expeditious and effectual administration of justice in the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, it was enacted by Regulation II, 1801, that the Governor General and the members of the supreme council should be divested of the judicial powers formerly exercised by them as judges of those courts, and that the administration of justice in the said courts should be committed to three judges, and that the chief judge only should be a member of the supreme council, and that the other two judges should be civil servants of the Company not being members of the supreme council: And whereas the exercise of the functions of chief judge of the said courts by a member of the supreme council is not only liable in a great degree to the objections which exist to the exercise of the functions of judges of those courts by the Governor General, and the members of the supreme council collectively, but is moreover exceptionable on grounds connected with the nature of the relations subsisting between such chief judge as a member of the supreme executive branch of the government, and the Governor General, and the other members of that branch of the government: And whereas the various important and laborious duties of the members of the supreme government render it impracticable for any member of that government to discharge the extensive and arduous duties of chief judge of the said courts: And whereas it is essential for the purpose of giving full effect to the provisions made by the constitution established for the internal government of the British territories subject to the immediate government of this presidency by the Regulations passed on the 1st of May 1793, for ensuring to the people the permanent enjoyment of the inestimable blessing of just laws duly administered, that the separation of the judicial authority from the executive authority in all their respective branches and gradations (which formed a fundamental principle of that constitution,) should be carried into full and complete execution both in form and in practice; the Governor General in Council has enacted the following rules, to be in force from the date of this Regulation.

* The whole of this Regulation is rescinded by Regulation XV, of 1807.

II.

The chief judge of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut to be selected from among the civil covenanted servants of the Company not being members of the Supreme Council.

II. Such parts of Sections III and X, Regulation II, 1801, as direct that the chief judge of the court of Sudder Dewanny Adawlut, and the court of Nizamut Adawlut, shall be a member of the supreme council, to be selected by the Governor General in Council, is hereby rescinded, and the chief judge of the said courts shall be selected by the Governor General in Council from among the civil covenanted servants of the Company not being members of the supreme council.

A. D. 1805. REGULATION XI.

A REGULATION *for extending to the conquered provinces, situated within the Dooab and on the right bank of the river Jumna; and to the territories ceded to the Honorable the English East India Company in Bundlecund by the Peishwah; Regulation XLV,* 1803, *entitled,* A Regulation for the reform of the gold, silver, and copper coin, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company: *also for providing for the appointment of the native officers of government, employed in the mint, established at Furruckabad, under Regulation XLV,* 1803; *and for extending to such native officers such parts of Regulation V,* 1804, *as provide for the appointment and removal of the native officers of government in certain departments*—PASSED *by the Vice President in Council, on the* 15*th August* 1805; *corresponding with the* 1*st Bhadoon* 1212 *Bengal era; the* 5*th Bhadoon* 1212 *Fusly; the* 1*st Bhadoon* 1212 *Willaity; the* 5*th Bhadoon* 1862 *Sumbut; and the* 13*th Rubbee-u-sany* 1220 *Higeree.*

WHEREAS Regulation XLV, 1803, provides rules for the reform of the gold, silver, and copper coin, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company: and whereas it is expedient, that the Regulation abovementioned should be extended to the conquered provinces situated within the Dooab and on the right bank of the river Jumna, and to the territories ceded to the Honorable the English East India Company in Bundlecund by the Peishwah: and whereas it is advisable, that rules should be provided for the appointment and removal of the native officers of government, employed in the mint at Furruckabad; the following rules have been accordingly enacted.

Regulation XLV, 1803, extended to the conquered provinces, and to the territories ceded to the Company in Bundlecund by the Peishwah.

II. Regulation XLV, 1803, is hereby extended to the conquered provinces within the Dooab, and on the right bank of the river Jumna, ceded to the Honorable the English East India Company by Dowlut Rao Scindiah; and to the territories situated in Bundlecund on the right bank of the river Jumna, ceded to the Honorable the English East India Company by the Peishwah; to which the Laws and Regulations of the British government have been extended by Regulation IX, 1804, and Regulations VIII and IX, 1805: and the periods prescribed for the operation of the said Regulation, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, are also hereby declared to be applicable to the provinces and territories aforesaid.

The operation of the mint at Saharunpore, and of any other mint or

III. The operation of the mint at Saharunpore, and of any other mint or mints within the provinces and territories mentioned in Section II, the operation of which shall not

mints in the conquered provinces, to be discontinued, and from what period.

not have already ceased, shall be discontinued, from the date of the promulgation of this Regulation; with the exception of the coinage of whatever silver bullion and silver coin may be deposited in such mint or mints, for coinage, when the Regulation shall be promulgated. It shall be left to the option of the proprietors of such bullion and coin, either to withdraw the same, or to have it converted into the silver coin hitherto struck in the mint in which it may be deposited, for coinage, as they think proper.

Native officers, employed in the mint at Furruckabad, to be nominated, in the first instance, by the mint and assay master.

IV. *First.* The native officers of government, forming the fixed establishment in the mint at Furruckabad, shall be nominated, in the first instance, by the mint and assay master, (*g*) subject to the confirmation of the mint committee (*h*) at that station, or of the Governor General in Council (*i*) according as such officers may come within the descriptions of officers specified in Regulation V, 1804, providing rules for the appointment and removal of native officers; which Regulation, as far as it relates to the appointment and removal of native officers, is hereby extended to the native officers of government, employed in the mint at Furruckabad. All references, regarding the appointment, resignation, suspension, or removal, of the native officers of government, employed in the mint at the above station, whose salary shall amount to or exceed ten rupees per month, shall be made by the mint and assay master, (*g*) in the first instance, to the mint committee (*h*) at that station, who will act therein, in the same manner as the other intermediate authorities mentioned in the Regulation aforesaid. (*j*)

Rules contained in Regulation V, 1804, respecting the appointment and removal of native officers, extended to the native officers, employed in the mint at Furruckabad.

References regarding the removal and appointment of native officers to be made in the first instance to the mint committee at Furruckabad.

The mint committee at Furruckabad, empowered in certain cases, to direct the dismission or suspension of native officers employed in the mint, without a previous reference being made to them by the mint and assay master.

Second. It shall be competent to the mint committee (*h*) at Furruckabad, whenever they shall see good and sufficient cause, to direct the dismission or suspension of any native officer of government, employed in the mint at that station, according to the nature of the office and the amount of the salary, although a previous reference shall not be made to them, respecting such officer, by the mint and assay master; (*g*) and the mint and assay master (*g*) is enjoined to obey such requisitions as may be received by him from the mint committee (*h*) to the above effect. The mint committee (*h*) are, however, required to report to the Governor General in Council every instance in which they shall exercise the power vested in them by the present clause, accompanied by a translation of their proceedings, and of the defence of the officer dismissed or suspended. (*i*)

(*g*) The duties of Mint and Assay Master have been vested in two separate officers, viz. a Mint Master and an Assay Master, with such salaries and establishments as the Governor General in Council have thought proper to assign to those officers respectively. See Regulation X, 1807, Sections VIII and X.

(*h*) This Committee has been dissolved, and the general superintendence of the Mint at Furruckabad vested in the Board of Commissioners for the upper provinces. See Regulation X, 1807, Section IX, and Regulation I, 1809.

(*i*) The appointment, removal, or suspension, of the native officers of the Mint at Furruckabad, is left to the determination of the Board of Commissioners, without a further reference to, or sanction of, the Governor General in Council. See Regulation VIII, 1809, Section X, Clause III.

(*j*) See Regulation VIII, 1809, Section V, Clause V, (extended by Section IX, following, to the whole of the native officers of government, in addition to any other specific provisions in force) in what instances the Mint and Assay Masters are authorized to order immediate suspension of native officers on their respective establishments, and how they are to act in such cases.

A. D. 1805. REGULATION XII.

A REGULATION *for the settlement and collection of the public revenue in the zillah of Cuttack, including the purgunnahs of Puttespore, Kummardichour, and Bograe, at present included in the zillah of Midnapore.*—PASSED *by the Vice President in Council, on the 5th of September 1805; corresponding with the 22d Bhadoon 1212 Bengal era; the 26th Bhadoon 1212 Fusly; the 22d Bhadoon 1212 Willaity; the 12th Bhadoon 1862 Sumbut; and the 10th Jumadee-us-sany 1220 Higeree.*

WHEREAS it is necessary, that fixed rules should be established for the settlement and collection of the public revenue in the zillah of Cuttack; and whereas the principles of justice and good faith require, that the declarations made by the late Board of Commissioners, to the several descriptions of zemindars, talookdars, farmers, and other holders of land, should be formally recognised and confirmed: and whereas it has been judged to be advisable to extend the Regulations in force for the settlement and collection of the public revenue in the province of Bengal, with certain modifications and exceptions, to the zillah of Cuttack; the following rules have been enacted, and are to be in force from the period of the promulgation of this Regulation.

Arrangements adopted by the Commissioners for the settlement of the revenues for the years 1210 and 1211 Willaity, recapitulated and confirmed.

II. On taking possession of the country, the Commissioners deemed it to be necessary to adopt the surest means of preserving uninjured the rights of the different landholders in the territory called Mogulbundy, being that part of the zillah of Cuttack, in which, according to established usage, as in Bengal, the land itself is responsible for the payment of the public revenue, and in which every landholder holds his lands subject to the conditions of that usage. With this view, the Commissioners issued a publication, signifying, that all those persons who were in possession of the lands at the close of the Umlee year 1210, (corresponding with the Willaity year 1210,) should continue in possession during the year 1211. The Commissioners also declared all demands for balances of former years to be cancelled, and they ordered the amount of the revenue payable by the respective zemindars on account of the year 1211 Umlee, (corresponding with the Willaity year 1211,) to be ascertained and established according to the rate of the receipts of former years; granting a deduction of the amount of some oppressive abwaubs and other exactions, and allowing for losses sustained by the ryots from the failure of the first crop of that season, and also for such part of the revenue of the current year as had been previously collected by the Mahratta government.

III.

III. The arrangements adopted by the Commissioners with respect to the settlement of the revenue for the years 1210 and 1211 Umlee, (corresponding with the years 1210 and 1211 Willaity) together with the abatements from the jumma and the remissions of revenue granted by the Commissioners in those years, are hereby confirmed.

Proclamation relative to the land revenue in the Mogulbundy territory, issued by the Commissioners on the 15th September 1804.

IV. The following proclamation relative to the settlement of the land revenue in the Mogulbundy territory of the zillah of Cuttack, was published on the 15th of September 1804, by the Board of Commissioners, in virtue of the powers vested in them.

"PROCLAMATION.

"CUTTACK, SEPT. 15, 1804.

"*First.* Whereas it is the intention of the British government to adopt at the "expiration of the present Umlee year, such a plan for the settlement of the landed "revenue of the province of Cuttack, as may be most conducive to the prospe- "rity of the country, and to the happiness of the inhabitants: and whereas it is of "the utmost consequence to the success of the measure, as well as to the interest "of the zemindars, talookdars, and all others concerned, that the nature and terms "thereof should be made known as early as possible; notice is hereby given.

"*Second.* That at the commencement of the Umlee year 1212, the sayer of "every denomination will be separated from the maul or land revenue, and a settle- "ment for the latter only concluded in all practicable cases with the zemindars, or "other actual proprietors of the soil (unless when disqualified by notoriously bad "character, (*k*) or other good and sufficient cause,) for a period of one year, it "being understood that all zemindars and other landholders, and all candytes, shall "for the present, and during the pleasure of government, continue to perform the "same duties of police for the prevention of robberies, murders, and crimes of "that nature, and for the preservation of peace and good order within their respec- "tive limits, and to be subject to the same responsibility as heretofore.

"*Third.* That at the expiration of the year 1212, another settlement will be "made with the same persons (if willing to engage, and they shall have conducted "themselves to the satisfaction of government) for three years, at a fixed equal an- "nual jumma, which jumma shall be formed upon a just and moderate considerati- "on of the receipts in the year 1212 and former years.

(*k*) This exception to the general rule for a settlement of the land revenue with the actual proprietors of the soil, has been removed in the provinces of Bengal, Behar, and that part of Orissa which was subject to the British government before the cession of Cuttack and the Purgunnahs of Pattaspore, Kummardchour and Bograe, by Regulation VII, 1796, which Regulation has been extended to the zillah of Cuttack by Section XXXVI, of the present Regulation. Read the preamble to Regulation VII, 1796.

"*Fourth.*

" *Fourth.* (*l*) That at the expiration of the fourth year, a new settlement will be " made with the same persons (if willing to engage, and they shall have conducted " themselves to the satisfaction of government) for a further period of four years, " at a fixed equal annual jumma, formed by adding to the annual rent of the prece- " ding lease of three years, two-thirds of the net encrease of revenue during any " one year of that period.

" *Fifth.* (*m*) That at the end of the lease for four years (which will be in the " Umlee year 1219,) a further settlement for the period of three years will be con- " cluded with the persons in possession (if willing to engage, and they shall have " conducted themselves to the satisfaction of government) at a jumma to be formed " by adding to the annual rent of the preceding lease of four years, three-fourths " of the net encrease of revenue during any one year of that period.

" *Sixth.* (*n*) That at the end of these eleven years, which will be in 1222, a per- " manent settlement will be concluded with the same persons (if willing to engage, " and they have conducted themselves to the satisfaction of government, and if no " others who have a better claim shall come forward) for such lands as may be in " a sufficiently improved state of cultivation to warrant the measure on such terms " as government shall deem fair and equitable.

" *Seventh.* The nankar lands of those zemindars, who may decline entering into " engagements for their estates, as also of those whose offers may be rejected by " government, will be subject to the payment of revenue equally with other lands " in the district, but such zemindars shall for the present continue to receive in " money an equivalent for what they have hitherto received as nankar from the " Mahratta government.

" *Eighth.* That with respect to such zemindarries as may have been mortgaged " or transferred in security, and possession thereof actually given to the mortgagees " or securities, the settlement will be made with the person in possession of the land, " as the temporary representative of the proprietor, leaving the latter to obtain pos- " session, either by a private settlement of accounts, or by a judicial process.

" *Ninth.* That the settlement of such small talooks, or zemindarries, as may be " only nominally included in large zemindarries, in the sudder jumma of which their

(*l*) The quartennial settlement mentioned in this Clause, was not concluded : by Regulation VI, 1808, Sections III and IV, one year's settlement (1216 Umlee or Willaitee) was made ; then another for three years (1217, 1218 and 1219, Umlee or Willaitee) agreeably to the principles stated in this Clause.

(*m*) The triennial settlement mentioned in this Clause, was not concluded : by Regulation I, 1813, one year's settlement (1220 Umlee or Willaitee) was made ; then another for two years (1221 and 1222, Umlee or Willaitee) agreeably to the principles stated in this Clause.

(*n*) A permanent settlement did not follow after the one mentioned in the preceding note, as by Regulation III, 1815, a further settlement of one year was ordered (1223 Umlee or Willaitee) and afterwards, by Regulation VI, 1816, a further one for three years (1224, 1225 and 1226, Umlee or Willaitee) on the same principles of the previous settlements.

" jumma

" jumma may be comprehended, will be made separately and distinctly, with the " proprietors of such small estates, and they will be allowed to pay their revenue " directly to the collector, or the person appointed by him to receive it, and in all " cases where the revenue of a village has for upwards of five years past, been paid " direct to government by the hereditary mokuddum, the settlement for such village " will be made with the hereditary mokuddum.

" *Tenth.* That with respect to such lands as are without proprietors, or the pro- " prietors of which decline entering into engagements, a village settlement shall be " made, and a preference given to the hereditary mokuddums of those villages to " which the lands belong, but no settlement is to be made with a mokuddum for " lands not included in his mokuddamy.

" *Eleventh.* That in the event of neither proprietors, mokuddums, nor other res- " pectable ryots, being forthcoming, such lands as are in that predicament, will be " held khaus.

" *Twelfth.* That all authorized abwaubs are to be consolidated and incorporated " with the land rent, and expressed in the pottahs and kabooleats, and that nothing " but what is there expressed shall be collected from the ryots or under-renters.

" *Thirteenth.* That all persons who may enter into engagements for the settle- " ment, must bind themselves by written obligations to grant puttahs of the above " description to their ryots and under-renters. (o)

" *Fourteenth.* That all persons who may enter into engagements with government, " must previously give security for the fulfilment thereof in an amount equal to the " largest kist of their annual jumma.

" *Fifteenth.* Several of the tributary rajahs have been accustomed to furnish " guards and be responsible for all robberies committed within the Mogulbundy " lands, bordering on their respective territories, and for which they have formerly " been allowed to levy a tax called chowpunny, or mongum khandity; those rajahs " are to continue to furnish the usual guards and be subject to the same responsibi- " lity as heretofore, but instead of being permitted to levy the abovementioned tax, " the said rajahs will, until further arrangements can be made, receive an equivalent " in money from government.

" *Sixteenth.* Such being the provisions made for the preservation of the rights " of the zemindars, ryots, &c. &c. and for the effectual prevention of undue exac-

(o) Landholders are not bound down to furnish any particular description or form of pottah, which may be in any form, provided they do not exact or impose any arbitrary or indefinite cesses of any denomination. See Regulation V, 1812, Section III. As the period of the last settlement is over (1226 Umlee or Willaitee) and none other authorized to be concluded by any Regulation yet passed (30th Bhadoon 1227 Umlee or Willaitee, corresponding with the English era 3d September, 1819) the restriction contained in Regulation XIV, 1812, Sections II and III, as far as respects the zillah of Cuttack and the Purgunnah of Puttaspore and its dependencies, may not now be in force, and landholders may avail themselves of the liberty granted to landholders in Bengal, by Regulation V, 1812, Section II, unless another Regulation be passed, suspending the permanent settlement of the landed revenue to a further period.

" tion,

" tion, there cannot be a doubt that confidence in the protection of government will " be established amongst all ranks of people, that cultivation will be extended, and " that the general prosperity of this province will rapidly encrease."

Rules, orders and declarations contained in the above proclamation confirmed with certain qualifications. Explanation of the rule to be adopted in adding to the jumma a portion of the encreased produce in concluding the future settlements.

V. The rules, orders and declarations contained in the above proclamation, are hereby confirmed with the following qualifications and explanations. With the view of obviating any misconstruction of the rule to be adopted, in adding to the jumma a portion of the encreased produce, in concluding the settlements to be formed at the commencement of the Willaity years 1216 and 1220, (corresponding with the years 1216 and 1220 Umlee.) it is hereby declared in explanation of the third and fourth clauses of the proclamation issued on the 15th of September 1804; that the amount of the nankar, to which zemindars are or may be entitled under their original engagements for the first triennial settlement shall be deducted from the actual yearly produce of their estates at the time of the expiration of each lease, and that the actual encrease of public revenue to be assessed agreeably to the clauses above specified, shall be calculated on the amount of the difference between the actual net produce, after such deduction, and the annual amount of the former lease. It is at the same time provided, that the portion of the encreased produce, relinquished to the zemindars under the abovementioned clauses, on the formation of the successive settlements, shall be considered to preclude all claim, on the part of the zemindars to any further proportion of such encreased produce, on account of nankar, in addition to the deduction originally made and continued to them on this account.

Zemindars and other actual proprietors, whose lands have been held khaus, shall be restored to the management of their lands on their agreeing to pay the assessment required in conformity to the rules for the settlement of the land revenue.

VI. The lands of some zemindars, independent talookdars, and other actual proprietors of lands having been held khaus, or let in farm in consequence of their refusing to pay the assessment required from them under the proclamation inserted in Section III, of this Regulation, the Governor General in Council hereby notifies to the zemindars, independent talookdars, and other actual proprietors of land, whose lands are held khaus, that they shall be restored to the management of their lands upon their agreeing to the payment of the assessment which shall be required from them, in conformity to the prescribed rules for the settlement of the land revenue.

The expiration of the year 1215 Willaity fixed as the period for completing the adjustment and delivery of pottahs.

VII. In explanation of the provision contained in the 13th article of the above proclamation, it is hereby declared, that as a sufficient period of time will have elapsed during the first triennial settlement of the land revenue in the zillah of Cuttack, (which will expire with the Willaity year 1215,) to enable the proprietors and farmers of land to complete the adjustment, and delivery of pottahs for the whole of their lands in the mode prescribed, the expiration of the Willaity year 1215 is the period fixed for the general delivery of pottahs. (*p*)

This Regulation shall not authorize the resumption of lands assign-

VIII. Nothing contained in this Regulation shall be construed to authorize the resumption of the rents of any lands assigned under grants from the Rajah of Berar,

(*p*) See the Note (*o*) of Section IV, Clause XIII, of this Regulation.

or

ed as endowments of the temple of Juggernauth, or similar purposes, provided however that the fixed quit rents of such lands under the grants shall be paid as usual.

or from any zemindar, talookdar, or any actual proprietor of land in the zillah of Cuttack as endowments of the temple of Juggernauth, or of Mutths in the vicinity of that temple, or for similar purposes; provided however that any fixed quit rent which the holders of such lands are bound to pay by the conditions of their grants, shall continue to be paid agreeably to former usage.

Rents of lands assigned for the maintenance of certain sirdar pykes, &c. not liable to resumption, nevertheless the fixed quit rents to be paid as usual.

IX. Nothing contained in the foregoing proclamation shall be construed to authorize the resumption of the rents of any lands at present appropriated to the maintenance of certain sirdar pykes and other pykes for the support of the police, provided however that any fixed quit rent which may be at present payable by such sirdar and other pykes conformably to the tenor of their grants, shall continue to be paid agreeably to established usage.

Collectors to be guided by the Regulations in force in Bengal in preparing the different registers of landed property with a provision that the first periodical register to be prepared shall commence with the Willaity year 1216.

X. The collectors of the revenue in the zillah of Cuttack shall be guided in preparing the different registers of landed property in that zillah by the Regulations in force for that purpose in the province of Bengal; provided however that the first periodical register to be prepared shall commence with the Willaity year 1216, and shall exhibit the estates and the required particulars respecting them as they may stand at the commencement of that year. The periodical register to be formed at the commencement of the Willaity year 1211, and every succeeding five years shall exhibit the estates as they may stand at that and each subsequent period.

How the registers are to be numbered.

XI. The register to be first formed, and to commence with the Willaity year 1216, shall be numbered two; the register to be next formed commencing with the Willaity year 1211, shall be numbered one; the register to be next formed at the commencement of the Willaity year 1221, shall be numbered three; and every subsequent periodical register, in the order in which it may be formed.

Regulations respecting stampt paper in force in Bengal extended to Cuttack, with provisions as to the period of their being in force there.

XII. (q) The Regulations established in the province of Bengal, for raising a revenue by means of stampt paper, are hereby extended to the province of Cuttack, (in common with the other Regulations extended to that zillah by Section XXXVI, of this Regulation) provided nevertheless that the provisions enacted respecting pleadings and other papers (which are considered to be of the nature of pleadings) under the Regulations established in the province of Bengal, shall not be in force in the province of Cuttack, until the expiration of one year from the date of this Regulation; and provided also, that the provisions regarding obligations for the payment of money, law papers, and generally all other stampt papers, shall not be in force until the expiration of two years from the date of this Regulation.

All engagements for the payment of revenue to be made in Calcutta sicca rupees.

XIII. (r) All engagements for the payment of the public revenue by the zemindars, talookdars, farmers, and other holders of land, shall be made in Calcutta sicca

(q) All the Regulations and rules relative to raising a revenue by stamped paper, which were in force before Regulation I, 1814, have been rescinded by that Regulation, and others established in their room.

(r) The operation of this section was suspended by Regulation IV, 1807, Sections VIII, IX and X, during the period of the then pending first *triennial* settlement.

rupees

rupees of the nineteenth sun but as the zemindars talookdars, farmers, and other holders of land, may not immediately have the means of paying their revenue in that species of rupees, the various rupees of sorts will be received at the treasuries in payment of the public revenue until the expiration of the Willaity year 1215, according to the table of rates contained in Section XIV, Regulation XXXV, 1793; and cowries will be received at the rate of four cawons per sicca rupee, until the expiration of that period of time. Should any other species of rupees exclusive of those specified in Section XIV, Regulation XXXV, 1793, be current in the zillah of Cuttack, the collector shall forward specimens of them, as soon as may be practicable, to the secretary to government in the revenue department, for the purpose of being forwarded to the assay master to be assayed; and the persons from whom such rupees may have been received, shall receive credit for the same at their intrinsic value, as ascertained by actual assay, after deducting twelve annas per cent for the expense of refining, should the rupees be under sicca standard. A supplementary table of rates of the value of each description of such rupees (prepared on the principle of the table of rates contained in Section XIV, Regulation XXXV, 1793,) shall be fixed up at the cutcherry of the collector, and at the court house of the judge and magistrate. After the expiration of the Willaity year 1215, no money will be received in payment of the public revenue, excepting Calcutta sicca rupees, or gold mohurs of the nineteenth sun, or the halves and quarters of those coins.

Rules for the receipt of rupees of sorts until the expiration of the year 1215 Willaity, after which no money but Calcutta sicca rupees, or gold mohurs of the nineteenth sun, and their parts shall be received in payment of the public revenue.

XIV. Bonds, or writings, or other agreements, whether written or verbal, entered into prior to the expiration of the Willaity year 1213, whereby a sum of money is stipulated to be paid in any species of rupee, excepting the nineteenth sun sicca, or the gold mohur of the nineteenth sun, and which may not be discharged previous to the abovementioned date, may be liquidated, at the option of the debtor, either in the rupee specified in the instrument, or in the nineteenth sun sicca rupee, at the valuation specified in the table, in Section XIV, Regulation XXXV, 1793; or in the nineteenth sun gold mohur.

Option left to the debtor in liquidating bonds, &c. entered into for payment of different species of rupees, and not discharged prior to the expiration of the year 1213 Willaity.

XV. (s) After the expiration of the Willaity year 1213, no person shall recover in any court of judicature in the province of Bengal, Behar, or Orissa, any sum of money under a bond, or other writing, or any agreement written or verbal, entered into after the abovementioned date, by which any sum of money shall be stipulated to be paid in any species of rupees, excepting Calcutta sicca rupees, or gold mohurs of the nineteenth sun, or the halves or quarters of each.

No money due on any bond or agreement entered into after the expiration of the year 1213 Willaity, and stipulating payment in any other specie than the Calcutta sicca rupee or gold mohur of the nineteenth sun, and their parts shall be recoverable in any court of justice.

XVI. All engagements hereafter entered into on the part of government for the provision of the investment, or the manufacture of salt, are to be made in the Calcutta sicca rupee, or the gold mohur of the nineteenth sun; *and all proprietors and farmers of land are prohibited from concluding engagements with their under farmers,*

All future engagements of government for the provision of the investment or manufacture of salt are to be made in the Calcutta sicca rupee, or the

(s) This section has been rescinded by Regulation XIII, 1807, Section III.

ryots,

gold mohur of the nineteenth sun; and proprietors and farmers of land prohibited from entering into engagements with their under farmers &c. after the expiration of the year 1213 Willaity in any other species of rupees.

ryots, or dependent talookdars, after the expiration of the Willaity year 1213, in any species of rupees or gold mohurs, excepting the Calcutta sicca rupees, and the gold mohurs of the nineteenth sun, under the penalty of not being permitted to recover any arrears, that may become due to them under such engagements. (t)

Modifications of Regulation XIX, 1793, respecting rent free lands not being held under badshahee or royal grants.

XVII. The following rules containing modifications of the provisions contained in Regulation XIX, 1793, respecting lands exempt from the payment of revenue under grants not being badshahee or royal, shall be in force in the zillah of Cuttack.

Grants of alienated land made previous to the 14th October 1791, declared valid, provided the grantee obtained possession before that date, and has since held possession without paying revenue.

XVIII. *First.* All grants for holding land exempt from the payment of revenue, made previously to the 14th day of October 1791, corresponding with the 30th Assin 1198 Bengal era, the 3d Cautick 1199 Fusly, the 30th Assin 1199 Willaity, the 3d Cautick 1848 Sumbut, and the 15th Suffer 1207 Higeree, by whatever authority, and whether by a writing, or without a writing, shall be deemed valid, provided that the grantee, actually and bonâ fide, obtained possession of the land so granted, and held it exempt from the payment of revenue, previously to the date abovementioned, and that the land shall not have been subsequently rendered subject to the payment of revenue, by the officers, or the orders of the government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted, or did not hold it exempt from the payment of revenue, previously to the date above specified, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers, or the orders of government, the grant shall not be deemed valid.

Grants made before the above date of no validity if possession was not obtained prior thereto, or if the lands have been since subjected to the payment of revenue.

Second. All grants for holding land exempt from the payment of revenue, which may have been made subsequently to the 14th day of October 1791, and prior to the 14th day of October 1803, by whatever authority, and which may have been confirmed or expressly admitted, antecedently to the 14th day of October 1803, by the authority of the existing government, shall be deemed valid, provided the grantee, actually and bonâ fide, obtained possession of the land so granted, and held the same exempt from the payment of revenue, previously to the 14th of October 1803, and the land shall not have been afterwards rendered subject to the payment of revenue, by the officers, or the orders of the late government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted, or did not hold it exempt from the payment of revenue, previously to the 14th day of October 1803, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers, or the orders of the late government, the grant shall not be deemed valid.

Grants made subsequent to the 14th October 1791, by whatever authority which may have been confirmed or admitted by the existing government prior to the 14th October 1803, declared valid, provided the grantee obtained possession previous to that date, and held the lands without being subjected to the payment of revenue until the latter date.

Such grants of no validity, if possession was not obtained, or if the lands were subjected to the payment of revenue prior to the 14th October 1803.

(t) So much of this Section as is printed in italic characters, has been rescinded by Regulation XIII, 1807, Section III, and other rules enacted in lieu thereof by Sections IV, V, VI, VII and VIII, of the same Regulation.

Third.

Third. In the event of a claim being preferred by any person to hold land exempt from the payment of revenue, under a grant made previously to the 14th day of October 1791, or under a grant made subsequent to that date, but prior to the 14th day of October 1803, and confirmed or admitted by the authority of the existing government, and of its being proved to the satisfaction of the court, in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previously to the date specified, but that it was afterwards subjected to the payment of revenue by an officer of government, and the court shall entertain doubts as to the competency or such officer, under the powers vested in him, to subject the land to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining, whether such officer was or was not competent to subject the land to the payment of revenue; and upon receiving the determination of the Governor General in Council, the court is to decide accordingly. In like manner, the Governor General in Council, reserves to himself the power of determining, in cases of doubt, whether any officer of the Rajah of Berar who may have made, confirmed, or admitted grants of land exempt from the payment of revenue, in the name, or on the part of the Rajah, was competent to exercise such authority. The courts of judicature shall accordingly suspend their judgment in cases of the above nature, and report the circumstances for the decision of the Governor General in Council.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts of the authority of any officer of government who may have subjected exempted lands granted before the 14th October 1803, to the payment of revenue.

Fourth. But no part of the three preceding clauses shall be construed to empower the courts to adjudge any person, not being the original grantee, entitled to hold land now paying revenue to government, exempt from the payment of revenue, under any grant made previously to the 14th day of October 1803, the writing for which may expressly specify it to have been given for the life of the grantee only, or supposing no such specification to have been made in writing, or the writing not to be forthcoming, or no writing to have been executed, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usage of the country.

Rules respecting grants for life only.

Fifth. Nor to entitle the heirs of any person now holding land exempt from the payment of public revenue, under whatever grant, to succeed to, and hold, such land exempt from the payment of revenue upon the demise of the present possessor, where the writing for such grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country. Nor to entitle the heirs to any such person to hold the lands exempt from the payment of revenue after

his

his demise, supposing the writing for the grant not to specify, whether it was to be considered hereditary or otherwise, unless it shall be proved, to the satisfaction of the court, that the grant, from the nature and denomination of it, is hereditary, according to the ancient usages of the country. But, upon the demise of the present possessor of any such grant, which may be adjudged not hereditary under this clause, if it shall appear that one or more successions, in virtue of whatever right, shall have taken place before the 14th day of October 1803, the lands shall not be subjected to the payment of revenue under the decree, without the sanction of the Governor General in Council, to whom a copy of the proceedings and decree of the court is to be transmitted, and to whom is reserved a power of declaring the lands subject to the payment of revenue, or not, as may appear to him proper.

Power reserved to the Governor General in Council of determining whether life grants to which one or more successions may have taken place prior to the 14th October 1803, shall be subjected to the payment of revenue or not on the death of the present possessor.

Sixth. The present possessors of lands, held exempt from the payment of revenue, under all life grants declared by the preceding clause not to be hereditary, are prohibited from selling or otherwise transferring them, or mortgaging the revenue of them for a longer period than their own lives; and all such transfers and mortgages are declared illegal and void.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue beyond their own lives.

Seventh. Provided, however, that nothing herein contained shall authorize the subjecting to the payment of revenue, any quantity of land, not exceeding ten begahs, held exempt from the payment of revenue, under a grant made prior to the 14th day of October 1803, and bonâ fide appropriated, as an endowment for temples, or for other religious or charitable purposes. Moreover, if any land so held and appropriated, exceeding ten begahs, shall become liable to assessment, under the rules contained in this Regulation, and the judge of the court before which the suit for the assessment of such land may be depending, or the collector of the district, if no judicial suit respecting it be depending, shall be of opinion, that the immediate assessment of such land would be productive of distress, he shall report the same, with the circumstances of the case, for the consideration of the Governor General in Council.

Exempted lands not exceeding ten begahs held under grants made prior to the 14th October 1803, and appropriated to the endowment of temples or other such purposes, not to be liable to assessment. Decision respecting lands so held exceeding ten begahs, reserved to the Governor General in Council.

Eighth. The courts of justice shall not take cognizance of any claim to hold exempt from the payment of revenue, under the present Regulation, land which may have been subjected to the payment of revenue, for the period of twelve years, prior to the 14th of October 1803; nor of any claim to hold land exempt from the payment of revenue, which may have been subjected to the payment of revenue, for the twelve years, preceding the date on which the claim may be instituted, unless the claimant can shew good and sufficient cause for not having preferred his claim to a competent jurisdiction within that period.

Courts not to take cognizance of claims, to hold exempted lands that have paid revenue for twelve years, prior to the 14th October 1803, or to the date of preferring the claim, unless the claimant can shew sufficient cause for not sooner preferring it.

XIX. All grants for holding land exempt from the payment of revenue, which may have been made since the 14th day of October 1803, corresponding with the 29th Assin 1210 Bengal era, the 14th Cautick 1211 Fusly, the 29th Assin 1211 Willaity;

All grants of lands exempt from revenue, made since the 14th October, 1803, and not confirmed by the Governor General

Willaity; the 14th Cautick 1860 Sumbut, and the 27th Jumadee-us-sany 1218 Higeree, by any other authority than that of the British government, and which may not have been confirmed by the Governor General in Council, or by an officer empowered to confirm them, are declared invalid.

In Council, or an officer duly authorized, declared invalid.

XX. If doubts shall be entertained by any court as to the competency of the authority of any officer, to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally, whether the officer possessed competent authority to confirm the grant, or otherwise; and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Courts how to proceed in the event of their doubting the authority of any officer, to confim a grant.

XXI. The following rule shall be in force in the province of Cuttack, for assessing land, declared subject to the payment of revenue to government, under the three foregoing sections of this Regulation.

Rule for assessing lands, resumed under the three foregoing sections.

XXII. *First.* The revenue assessable on all lands, which shall be adjudged or become liable to the payment of revenue, under Sections XVIII, XIX and XX, of the present Regulation, is declared to belong to government.

The revenue assessed on such lands declared to belong to government.

Second. The revenue payable to government, shall be regulated by the rules prescribed by this Regulation, for concluding the settlement of lands, paying revenue to government; and by any subsequent rules which may be prescribed, relative to the assessment of lands, subject to the payment of revenue to government. If the proprietor shall not agree to the assessment so fixed, a report of his objections, and of the circumstances of the case, shall be made by the collector of the district, through the Board of Revenue, for the information of the Governor General in Council, who will determine on the amount of the assessment; and if the proprietor shall refuse to engage for the same, the lands shall be let in farm, or held khaus, under the rules contained in the existing Regulations.

Assessment to be regulated by the rules, for the settlement of the lands paying revenue.

Rules in case of the proprietor refusing to agree to such assessment.

XXIII. The period of one year, reckoning from the expiration of the current Willaity year 1212, shall be allowed to the proprietors, to register their grants. On the expiration of that period of time, the collectors shall prepare the first periodical register of lands, held exempt from the payment of revenue; and the second, third, and each successive register, at the expiration of every five years.

Periods fixed for registering grants, and preparing the periodical registers.

XXIV. All the provisions contained in Regulation XIX, 1793, regarding lands exempt from the payment of revenue to government, under grants, not being badshahee or royal, which are not superseded by the foregoing rules, are hereby declared to be in force in the zillah of Cuttack. (*v*)

All the provisions contained in Regulation XIX, 1793, not superseded by this Regulation, declared to be in force in Cuttack.

(*v*) See in Regulation V, 1813, for such of the provisions of Regulation XIX, 1793, as have been rescinded, and for other rules enacted in their stead, as far as respects the district of Cuttack and the purgunnah of Puttaspore and its dependencies.

All the provisions of Regulation XXXVII, 1793, not superseded or modified by this Regulation, declared to be in force in Cuttack.

XXV. The following rules containing modifications of the provisions contained in Regulation XXXVII, 1793, respecting lands held exempt from the payment of revenue under badshahee or royal grants, shall be in force in the zillah of Cuttack, and all the provisions of that Regulation which are not superseded and rendered of no effect by the following rules, shall be considered to be in force in the said zillah. (u)

Description of what the term badshahee grant is meant to include.

XXVI. *First.* The term badshahee grant shall be construed to extend to all grants made by the Supreme Power for the time being, and consequently to include grants of the following descriptions:—First, Royal grants properly so called; secondly; grants made by the Souba of Orissa; and thirdly, grants made by the Rajahs of Berar.

Badshahee grants made previously to the 14th October 1803, declared valid, provided the grantee obtained possession before that date, and has since held possession.

Second. Altumgha, jaghire, ayma, muddudmash, or other badshahee grants, for holding land exempt from the payment of revenue, made previous to the 14th October 1803, shall be deemed valid, provided the grantee, actually and bonâ fide, obtained possession of the land so granted previous to that date, and the grant shall not have been subsequently resumed by the officers or the orders of government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 14th October 1803, or that he did obtain possession of it prior to that date, but that it has been since resumed by the officers, or the orders of government, the grant shall not be deemed valid.

Such grants not deemed valid if the grantee did not obtain possession, or having obtained possession, the grant was resumed prior to the above date.

Courts to refer to the Governor General in Council in the event of their doubting the authority of any officer of government, who may have resumed such grants.

Third. In the event however of a claim being preferred by any person to hold land exempt from the payment of revenue, under a badshahee grant made previous to the 14th October 1803, and on its being proved to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of government, and the court shall entertain doubts as to the competency of such officer under the powers vested in him, to resume the grant and subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to resume the grant, and upon receiving the determination of the Governor General in Council, the court is to act accordingly.

Rules respecting grants for life only.

Fourth. But no part of the preceding clauses, shall be construed to empower the courts to adjudge any person not being the original grantee, entitled to hold land paying revenue to government, exempt from the payment of revenue, under a

(u) See in Regulation V, 1813, for such of the provisions of Regulation XXXVII, 1793, as have been rescinded, and for other rules enacted in their stead, as far as respects the district of Cuttack and the pergunnah of Pattaspore and its dependencies.

jaghire

jaghire or other grant made previous to the 14th October 1803, where the grant may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where the grant from the nature and denomination of it, shall be proved to be a life tenure only, according to the antient usages of the country.

Fifth. Nor to entitle the heirs of any person now holding lands exempt from the payment of public revenue, under a jaghire or other badshahee life grant, made previous to the 14th October 1803; to succeed to, and hold such land exempt from the payment of revenue upon the demise of the present posssessor, where the grant may expressly specify it to have been given for the life of the grantee only; or, supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where, from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the antient usages of the country.

Sixth. The present possessors of lands now exempt from the payment of revenue, under such jaghire or other life grants, made previous to the 14th October 1803; and declared by the preceding clause not to be hereditary, are prohibited from selling or otherwise transferring them, or mortgaging the revenue of the lands for a longer period than their own lives, and all such transfers and mortgages which have been or may be made, are declared illegal and void.

The present possessors of such life grants prohibited from transferring, or mortgaging the revenue of them beyond their own lives.

XXVII. All badshahee grants for holding land exempt from the payment of revenue which may have been made since the 14th October 1803, by any other authority than that of the British government, and which may not have been confirmed by government, or by an officer empowered to confirm them, are declared invalid.

All grants made since the 14th October 1803, and not confirmed by government or an officer duly authorized, declared invalid.

XXVIII. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally, whether the officer possessed competent authority to confirm the grant, or otherwise, and the court upon receiving the determination of the Governor General in Council, shall decide accordingly.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant.

XXIX. The period of one year, reckoning from the expiration of the Willaity year 1212, shall be allowed to the proprietors to register their grants. On the expiration of that period of time, the collectors shall prepare the first periodical register of lands held exempt from the payment of revenue under badshahee tenures; and the second, third, and each successive register, at the expiration of every five years.

Periods fixed for registering grants and preparing the periodical registers.

XXX. The rules contained in Regulation XXIV, 1793, for deciding on the claims of persons to the continuance of pensions and allowances granted for religious purposes, shall be considered to be in force in the zillah of Cuttack in common

Rules contained in Regulation XXIV, 1793, for deciding on claims to pensions &c. to be in force in Cuttack, with modifications.

with

with other Regulations extended to that zillah, by Section XXXVI, of this Regulation; provided however, that in cases in which persons may have obtained pensions from the government of Berar, under grants made previous to the 14th of October, 1803; such pensions shall be continued to the present incumbents, and will either descend to their heirs and successors, or will revert to government on the decease of the present incumbents, as shall appear to the Governor General in Council, (w) on a consideration of the tenor of the grant, and all the circumstances of the case, to be proper under Section IV, Regulation XXIV, 1793; provided likewise, that in cases in which persons shall have been in the actual receipt of pensions, during a period of three or more years, antecedent to the 14th of October, 1803, under whatever authority, such pensions shall be continued to the present incumbents, during their respective lives, but shall revert to government on the decease of the present incumbents, unless any particular reasons shall appear to the Governor General in Council to exist for continuing the said pensions to their heirs and successors. (w) Provided also, that nothing herein contained shall be construed to authorize the resumption of the established donation for the support of the temple of Jaggernauth, the charitable donation to the officers of certain Hindoo temples, called Anoochuttree, and the allowance granted for the support of the Hindoo temple at Cuttack, called Seetaram Tawkwur Baree. (x)

The collection of sayer and other internal duties abolished, with certain exceptions, and the rules in Regulation XXVII, 1793, relating to Chilunta, Rahdarry &c. duties declared to be in force in Cuttack.

XXXI. The settlement of the land revenue of the zillah of Cuttack having been ordered to be made with the exclusion of all sayer duties, all duties of that description are hereby abolished in the said zillah, with the exception of the tax on the sale and consumption of spirituous liquors and intoxicating drugs; and the duties levied from pilgrims at Juggernauth: and the rules contained in Regulation XXVII, 1793, for preventing the collection of any Chilunta, Rahdarry, or other duties, by the zemindars, talookdars, farmers, and other holders of land in the province of Bengal, are hereby declared to be in force in the zillah of Cuttack. It is also hereby declared, that in conformity to the spirit and principle of Clause Tenth of Section II, and the rules contained in Section VI, Regulation XXVII, 1793; it is the intention of government to grant adequate compensations to all persons who derived advantages from the late sayer duties under competent authority from the government of Berar, or in conformity to long and established usage.

Declaration of the intention of government to make adequate compensations to persons deprived of authorized advantages by such abolition.

Regulation XXXVI, 1793, extended to Cuttack, substituting the 1st January 1808, for the 1st January 1796, wherever it occurs in that Regulation.

XXXII. Regulation XXXVI, 1793, is hereby declared to be in force in the zillah of Cuttack, in common with the other Regulations extended to that province by Section XXXVI of this Regulation; provided however, that wherever the date of the 1st of January 1796 may occur in that Regulation, the first day of January

(w) By Regulation XXII, 1806, it is left to the Board of Revenue to determine finally on the continuance or not of lapsed pensions which may not exceed in amount 100 rupees per annum.

(x) See Regulation XI, 1813, entitled "A Regulation for modifying some of the rules before established respecting the payment of pensions, and for preventing the abuses committed in the receipt of pensions."

1808

1808 shall be substituted for the former date in the decision of all cases regarding the registering of deeds of sale, gift, mortgage, or other instruments for the conveyance of property in the zillah of Cuttack.

Sunnuds granted by the commissioners to certain zemindars to hold their estates at a fixed jumma in perpetuity confirmed. List of such zemindars.

XXXIII. The commissioners having granted sunnuds to certain zemindars, entitling them to hold their estates at a fixed jumma in perpetuity, those sunnuds are hereby confirmed. The following is a list of the names of the zemindars to whom this provision is to be considered applicable:

Zemindar of Killah Durpum,
Ditto of ditto Sookindah,
Ditto of ditto Muddoopore.

Sunnud granted by the commissioners to Futtah Mahomed, jaghiredar of Malood, to hold his lands rent free in perpetuity, confirmed.

XXXIV. The commissioners having likewise granted a sunnud to Futtah Mahomed, jaghiredar of Malood, entitling him and his heirs for ever, in consideration certain services performed towards the British government, to hold his lands exempt from assessment, such sunnud is hereby confirmed.

Settlement concluded by the commissioners, with certain hill and jungle zemindars for payment of a fixed annual quit rent in perpetuity, confirmed.

XXXV. *First.* The late Board of Commissioners having concluded a settlement of the land revenue with certain zemindars, whose estates are situated chiefly in the hills and jungles, for the payment of a fixed annual quit rent in perpetuity, those engagements are hereby confirmed; and no alteration shall at any time be made in the amount of the revenue payable under the engagements in question to government.

List of the mohauls to which the foregoing clause applies.

Second. The following is a list of the mohauls to which the provision in the preceding clause is applicable:

Killah Aull,
Ditto Cojang,
Ditto Puttra,
Ditto Humishpore,
Ditto Miritchpore,
Ditto Bishenpore.

A settlement shall be concluded on the principle stated in the two foregoing clauses with the zemindars of Cordah and Kunka.

Third. The zemindarries of Cordah and Kunka, being mohauls of the description of those specified in the preceding clause, a settlement shall be concluded, as soon as circumstances may admit, for the revenue of those mohauls on the principle on which a settlement has been concluded with the zemindars of the mohauls specified in the preceding clause.

All Regulations relating to the settlement or collection of the revenue, or the officers employed therein, now in force in Bengal, and not superseded by the foregoing rules, declared to be in force in Cuttack.

XXXVI. All Regulations relating directly or indirectly to the settlement and collection of the public revenue, or to the conduct of the officers employed in the performance of that duty, whether European or native, in the province of Bengal, which are not superseded by the foregoing rules, are hereby extended to, and declared to be in force in the zillah of Cuttack; provided however, that nothing herein contained

Exception as to the division of estates.

contained shall be construed to authorize the division of the lands comprised in any estates in the zillah of Cuttack in which the succession to the entire estate devolves according to established usage to a single heir. In cases of this nature, the courts of justice are to be guided by the provisions contained in Regulation X, 1800; provided also, that nothing herein contained shall be construed to imply that any part of the said Regulations are for the present to be considered to be in force in certain jungle or hill zemindarries, occupied by a rude and uncivilized race of people, with the proprietors of which estates, engagements were formed by the late Board of Commissioners, for the payment of a certain fixed quit rent or tribute to government. The following is a list of the names of the mohauls to which this exemption from the operation of the general Regulations is to be considered applicable. (y)

Exception as to the jungle or hill zemindarries to which those Regulations are not for the present extended.

List of such zemindarries.

Killah Neelgery,
Ditto Bankey,
Ditto Joormoo,
Ditto Nirsingpore,
Ditto Augole,
Ditto Toalcherry,
Ditto Attghurh,
Ditto Kunjur,
Ditto Kindeapara,
Ditto Neahgurh,
Ditto Rampore,
Ditto Hindole,
Ditto Teegereah,
Ditto Burrumboh,
Ditto Deckenaul.

imilar exception from he operation of the general Regulations considered applicable to the rritory of Mohurbunge.

XXXVII. The foregoing exemption from the operation of the general Regulations shall likewise for the present be considered to be applicable to the lands known by the appellation of the territory of Mohurbunge; but it shall be the duty of the collector of the zillah to conclude a settlement with the proprietor of that estate for the payment of a fixed annual quit rent on the principles on which a settlement has been concluded with the other hill or jungle zemindars specified in the preceding section.

(y) See Regulation XI, 1816, entitled "A Regulation for receiving, trying and deciding claims to the right of inheritance, or succession, in certain tributary estates (those here specified) in zillah Cuttack."

A. D. 1805. REGULATION XIII.

A REGULATION *for the maintenance of the peace and for the support and administration of the police in the zillah of Cuttack, and for amending certain provisions contained in Regulation IV,* 1804.—PASSED *by the Vice President in Council, on the 5th of September* 1805*; corresponding with the 22d Bhadoon* 1212 *Bengal era; the 26th Bhadoon* 1212 *Fusly; the 22d Bhadoon* 1212 *Willaity; the 12th Bhadoon* 1862 *Sumbut; and the* 10*th Jumadee- us-sanee* 1220 *Higeree.*

WHEREAS it is essential to the security of the persons and property of the inhabitants of the districts and lands included in the province of Cuttack and its dependencies, that a regular and efficient system of police should be maintained in the said province: and whereas it was the practice in the said province when under the Mahratta government, to vest the immediate maintenance of the peace in certain sirdar pykes, also called kandytes, aided by inferior pykes, under the orders and control of the said sirdars, for whose support lands were assigned under the orders and authority of the said government: and whereas the general control of the said sirdars, and other pykes, was vested at the time of the conquest of the province of Cuttack by the British arms in the zemindars, talookdars, farmers, and other holders of land, within the limits of their respective estates and farms, excepting in cases in which they had been specifically deprived of the charge of the police by the said government either for misconduct, or for inability to perform the duty entrusted to them, or for other substantial reasons: and whereas in such cases it was usual to vest the general charge of the police, within certain established limits in the said sirdar pykes or kandytes abovementioned: and whereas experience has demonstrated that the system of police at present established in the province of Cuttack is well calculated for the prevention of crimes, and for the maintenance of the general tranquillity of the country; the following rules have been enacted, to be immediately in force in the province of Cuttack, including the purgunnahs of Puttespore, Kummardichour and Bograe. (z)

The districts and lands comprized in the province of Cuttack with certain exceptions, shall be formed into one zillah, to be denominated the zillah of Cuttack.

II. The districts and lands comprized in the province of Cuttack, with the exception of the purgunnahs of Puttespore, Kummardichour and Bograe, shall be formed into one zillah, instead of two zillahs, as prescribed in Regulation IV, 1804; and shall be denominated the zillah of Cuttack.

Certain purgunnahs shall be included in the zillah of Midnapore, but subject to the Regulations enacted for Cuttack.

III. The abovementioned purgunnahs of Puttespore, Kummardichour and Bograe, shall be included as at present, in the zillah of Midnapore; subject however to all the

(z) The operation of the existing Regulations has been suspended in that part of the district of Midnapore commonly known under the denomination of the Purgunnah of Bograe, by Regulation V, 1815, until the formal rescission of that Regulation.

the Laws and Regulations which have been or may be enacted for the internal government of the zillah of Cuttack; provided nevertheless, that it shall at any time be lawful for the Governor General in Council, by an order in council, to make any alteration with respect to the boundaries of the said zillahs of Midnapore and Cuttack, which may appear to be expedient.

Governor General in Council may alter the boundaries as may appear expedient.

Rules for the appointment of darogahs for the maintenance of the police.

IV. *First.* The following rules shall be observed in the appointment of darogahs for the maintenance of the police in the zillah of Cuttack, and in the abovementioned purgunnahs of Puttespore, Kummardichour and Bograe.

Such of the zemindars as have not been formally divested of the charge, shall continue to act as police officers in their respective estates under the responsibility stated in Section VI, Regulation IV, 1804.

Second. In cases in which the zemindars, talookdars, and other landholders have not been formally divested of the charge of the police within the limits of their respective estates for misconduct or any other reason, either by the late Mahratta government, or by the Board of Commissioners for the settlement of the affairs of Cuttack; such zemindars, talookdars, and other landholders, shall continue under the responsibility stated in Section VI, Regulation IV, 1804; in charge of the police, according to established usage, within their respective estates; that is, the principal zemindars, talookdars and other landholders, being proprietors of large estates, shall be constituted darogahs of police, within the limits of their respective possessions; and the inferior zemindars, talookdars, and other landholders, being proprietors of petty estates, shall be considered to be subordinate officers of police, subject to the abovementioned responsibility, under the immediate authority of darogahs, who shall be selected and appointed for the maintenance of the police in estates or mohauls of the latter description.

Proprietors of large estates shall be constituted darogahs.

Proprietors of petty estates to be subordinate officers under darogahs to be selected and appointed.

In cases in which any zemindars, &c. have been divested of the charge of the police, kandytes shall be nominated to the charge under the control of darogahs.

Third. In cases in which any of the zemindars, talookdars, and other landholders, have been divested of the charge of the police (as above noticed) within the limits of their respective estates, one, two, or more kandytes or sirdar pykes, according to the extent of such estates, shall, in conformity to established usage, be vested with the immediate maintenance of the peace, the apprehension of public offenders, and other duties of that description, within the limits of the said estates; subject nevertheless to the control of darogahs, who shall be appointed for the superintendence of the police and the general control of the conduct of the said kandytes, and all inferior officers of police, within the limits of the authority of the said darogahs respectively.

Darogahs to receive such salaries as government may fix.

Fourth. The darogahs who may be appointed under Clauses Second and Third of this section, shall receive such salaries as the Governor General in Council may think proper to fix for their support, on a consideration of the labor and responsibility of the offices held by them.

Lands assigned by the late government for the maintenance of the sirdar and other pykes shall be continued to them.

V. Certain lands having been assigned by the authority of the late government, for the maintenance of the said sirdar pykes and inferior pykes, under the control of such sirdars, for the support of the general police of the country; those lands shall

be

be continued to the said sirdar and other pykes for the purposes to which they have been hitherto appropriated. It is to be understood however, that all officers of that description shall be considered subject to the authority of the darogahs of police, whether zemindars or others within their respective limits, and shall be bound to conform to all legal orders, which may be issued to them by such darogahs, conformably to the powers with which the darogahs may be invested. It is further to be understood, that any sirdar or other pyke will be liable to be dispossessed of his lands for any disobedience of orders, neglect of duty, undue violence, or other misconduct; provided however, that whenever a magistrate shall be of opinion, that any kandyte or sirdar pyke ought to be dismissed from his office, or whenever the place of such officer shall become vacant from death, or any other cause, the magistrate shall report the circumstances of the case to the Nizamut Adawlut, who will pass such orders on the subject, as shall appear to them to be proper, under the general powers vested in them by Regulation V, 1804; (a) provided likewise, that whenever any vacancy shall occur among the inferior pykes either from dismissal, death, or otherwise, the places of such pykes shall be supplied by the sirdar pyke on declaring [illegible] to the magistrate responsible for the conduct of the person recommended by him.

Such officers subject to the authority of the darogahs.

Cases in which they may be dispossessed of their lands, and how the magistrate is to proceed in such cases, or in cases of vacancy of such offices.

VI. It shall be the duty of the darogahs of police, whether zemindars or others, under the guidance and instructions of the magistrates, to form a complete register of the sirdar and other pykes, within the limits of the authority of the said darogahs respectively.

Darogahs to form a complete register of the sirdar and other pykes.

VII. It shall further be the duty of the darogahs of police to ascertain and fix, under the orders of the magistrates, the limits of the local authority of the kandytes or sirdar pykes, and of the inferior officers of police, attached to the said sirdars; so that every part of the province of Cuttack, whether consisting of lands paying revenue to government, or of lands exempt from the payment of revenue, may receive the protection of the subordinate officers of police, under the directions of the darogahs, and the general control of the magistrates.

The darogahs shall fix, under the orders of the magistrates, the limits of the local authority of the kandytes and other inferior officers of police.

VIII. Nothing contained in this Regulation shall be construed to exempt the zemindars, talookdars, farmers, and other holders of land, although they be not formally constituted officers of police, from the duty of affording every assistance in the prevention of breaches of the peace, and in the apprehension of public offenders; who are immediately to be delivered into the custody of the nearest officers of police.

This Regulation not to exempt the zemindars, &c. from affording every assistance in their power for the prevention of breaches of the peace, &c.

IX. Any zemindar, talookdar, or holder of land, exempt from revenue, who may be suspected of conniving at any robbery, or other public offence, will be liable to be prosecuted before the criminal courts of the country, and punished on conviction, under the general Laws and Regulations of the country.

Zemindars, &c. suspected of conniving at robbery or other offences, liable to prosecution, before the criminal courts.

(a) The magistrates are now empowered to appoint or remove their police officers without obtaining the sanction of their superiors. Lists of new appointments of certain officers of police are, however, to be submitted by the magistrates to the courts of circuit at the period of the sessions; as also reports to the superintendants of police. See Regulation XVII, 1813, Sections VII and IX.

Collectors of Cuttack and Midnapore to form a complete register of the lands assigned for the sirdar and other pykes, and to transmit a copy to the Board of Revenue.

X. It shall be the duty of the collectors of Cuttack and Midnapore, to form a complete register of the lands assigned for the support of the sirdar and other pykes, specifying the quit-rent payable to the zemindars, talookdars, and other landholders, (if according to established usage, the lands have been hitherto subject to the payment of such quit-rent,) and to transmit a copy of the register required to the Board of Revenue, to be deposited among the records of that Board.

The foregoing rules not to be applicable to doosauds or village watchmen, entertained by the landholders.

XI. The foregoing rules regarding the sirdar and other pykes, and the lands assigned for their support, are not to be considered applicable to certain doosauds, or village watchmen, entertained by the zemindars, talookdars, and other landholders, for the purpose of watching crops, guarding granaries, and other duties of that nature; which officers shall be left under the exclusive control of the zemindars, talookdars, and other landholders, as heretofore.

Authority of the Board of Commissioners in Cuttack, discontinued.

XII. The Board of Commissioners for the settlement of the affairs of Cuttack, having been abolished by the Governor General in Council, the authority of that Board in the said province, has been discontinued.

General extension of the Regulations for the police, and the administration of criminal justice to Cuttack.

X[illegible] All Laws and Regulations for the maintenance of the police, and for the administration of justice in criminal cases, in the province of Bengal, which have been or shall be enacted, and which shall not be inconsistent with, or repugnant to the provisions contained in this Regulation; and likewise, such of the rules contained in Regulation IV, 1804, as are not either specifically or virtually rescinded by the present Regulation, shall have full force and effect in the zillah of Cuttack, and in the purgunnahs of Puttespore, Kummardichour, and Bograe, included in the zillah of Midnapore: provided however, that no part of this Regulation shall be construed for the present to extend to the estates of certain hill or jungle rajahs or zemindars, of which the following is a list:

No part of this Regulation to be construed to extend to the estates of certain hill and jungle rajahs or zemindars.

Killah Neelgery.
Ditto Bankey.
Ditto Joorinoo.
Ditto Nirsingpore.
Ditto Augole.
Ditto Toalcherry.
Ditto Attgurh.
Ditto Kunjur.
Ditto Kindeapara.
Ditto Neahgurh.
Ditto Rampore.
Ditto Hindole.
Ditto Teegereah.
Ditto Burrumboh.
The territory of Mohurbunge.

A. D. 1805. REGULATION XIV.

A REGULATION *for the administration of justice in civil cases in the zillah of Cuttack,* —PASSED *by the Vice President in Council, on the 5th of September 1805; corresponding with the 22d Bhadoon 1212 Bengal era; the 26th Bhadoon 1212 Fusly; the 22d Bhadoon 1212 Willaity; the 12th Bhadoon 1862 Sumbut; and the 10th Jumadee-us-sanee 1220 Higeree.*

WHEREAS it is necessary that provision should be made for the administration of justice in civil cases in the zillah of Cuttack; and whereas it has been judged to be advisable to extend to the said zillah, the Laws and Regulations established for the trial of civil cases, in the province of Bengal, and in that part of the province of Orissa which was heretofore subject to the British Government; the following rules have been enacted to be in force from the period of their promulgation in the zillah of Cuttack; including the purgunnahs of Puttaspore, Kummardichour and Bograe. (*b*)

II. The zillah of Cuttack shall be included in the jurisdiction of the provincial court of appeal for the division of Calcutta.

Zillah of Cuttack included in the jurisdiction of the provincial court of appeal for the division of Calcutta.

III. A court of adawlut shall be established in the zillah of Cuttack for the trial of civil suits in the first instance.

A court of adawlut established in zillah Cuttack for the trial of civil suits.

IV. The jurisdiction of the zillah court of Cuttack shall not extend to the purgunnahs of Puttaspore, Kummardichour and Bograe, at present annexed to the zillah of Midnapore; provided however, that it shall be competent for the Governor General in Council, by an order in council, to make any alteration in the limits of the said zillah, which shall appear to him to be expedient.

Jurisdiction of the zillah court of Cuttack shall not extend to certain purgunnahs annexed to the zillah of Midnapore. Competent to the Governor General in Council to alter the limits of such jurisdiction.

V. The courts of adawlut are prohibited from hearing, trying, or determining the merits of any civil suit whatever in the zillah of Cuttack, including the abovementioned purgunnahs, if the cause of action shall have arisen at a period, being twelve years antecedent to the 14th day of October 1803, the date on which the fort and town of Cuttack, were surrendered to the British arms. (*c*)

Courts of adawlut prohibited from hearing, trying, or deciding civil suits, wherein the cause of action shall have arisen twelve years, antecedent to the 14th October 1803.

(*b*) The operation of the existing Regulations has been suspended in that part of the district of Midnapore commonly known under the denomination of the purgunnah of Bograe, by Regulation V, 1815, until the formal rescission of that Regulation.

(*c*) By the latter part of Section VIII, of this Regulation, the zillah courts are prohibited from hearing, trying, or determining the merits of any civil suit whatever, if the cause of action shall have arisen *previously* to the 14th day of October 1803; the rule in this Section must consequently be superfluous, or that of the Section cited, erroneous or mis-stated.

VI.

Such restriction to extend to cases of a private nature between individuals of which cognizance would have been taken by the authorities established under the former government, but not to civil suits originating in acts or in engagements of the officers of the former government in their official capacities, or to suits in certain zemindarries, of which cognizance would not have been taken under the former government.

VI. It is to be understood, that the powers vested in the zillah courts by the foregoing section to receive and try suits, in which the cause of action shall have originated prior to the 14th October 1803, are to be restricted to the trial of suits of a private nature between individuals, of which cognizance would have been taken by the courts, officers, or authorities established for the administration of justice under the government of Maha Rajah Raghoojee Bhoonslah; and that such powers are not to be considered to extend to authorizing the zillah courts to take cognizance of any civil suits originating in acts of the Maha Rajah's government, or of his officers, or in engagements contracted by individuals with the officers of the Maha Rajah's government in their official capacities; and of which, according to the usages of their government, cognizance would not have been allowed to be taken by the persons entrusted with the exercise of judicial authority. This rule shall likewise be considered to be applicable to any suits in the zemindarries of Aul, Cojung, Puttrah, Hurrishpore, Muritchpore, Bishenpore, Kunkah and Kordah, or in which the zemindars, talookdars, farmers, ryots, or other inhabitants of those mohauls, may be parties either as plaintiffs or defendants, and of which according to the policy observed by the late Mahratta government with respect to those mohauls, cognizance would not have been taken by the judicial officers of that government. (*d*)

How the zillah courts are to proceed in cases wherein they may entertain doubts whether suits are cognizable under the preceding section.

VII. If any zillah court shall entertain doubts whether any suit preferred to it is cognizable by it under the restrictions contained in the preceding section, such court shall state the circumstances to the provincial court of appeal; which court shall forward the same with its opinion thereon to the Sudder Dewanny Adawlut; and the Sudder Dewanny Adawlut shall submit the case to the Governor General in Council, and shall abide by such orders as he may pass with regard to the admission or rejection of the suit.

Courts prohibited from hearing, trying, and deciding any suit wherein the cause of action shall have arisen twelve years antecedent to its institution, unless the complainant can assign satisfactory cause for the delay. The courts are not in any case after the expiration of twelve years to entertain any suit in which the cause of action shall have arisen previous to the 14th October 1803.

VIII. After the period of twelve years shall have elapsed from the date of the conquest of the province of Cuttack, the courts of adawlut are prohibited from hearing, trying, or determining the merits of any civil suit, with the exception of the suits described in Sections II and III, Regulation II, 1805; if the cause of action shall have arisen at a period, being twelve years, antecedent to the date on which, the petition for the institution of such suit, shall be presented to the court; unless the complainant can shew by clear and positive proof, that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand, or promised to pay the money; or that he direotly referred his claim, within that period, to the matter in dispute, to a court of competent jurisdiction; or person

(*d*) *Constructions by the Sudder Dewanny Adawlut.* Upon a summary application, the court decided, that a promise to pay a debt contracted by the Rajah of Cojung before the 14th October, 1803, such promise having been made subsequently to the said date, did not constitute a ground of action. *28th March*, 1810. The restriction contained in this section, from hearing suits in which the persons therein specified are parties, is not applicable to cases in which the cause of action has arisen subsequently to the conquest of Cuttack, viz. 14th October, 1803.—*17th March* 1813.

having

having authority, whether local or otherwise, for the time being, to hear such complaint, and to try the demand; and shall assign satisfactory reasons to the court, why he did not proceed in the suit; or shall prove that either from minority, or other good and sufficient cause, he was precluded from obtaining redress: provided however, that it shall not be competent to the zillah courts, under the powers vested in them by this clause to hear, try or determine the merits of any civil suit whatever, if the cause of action shall have arisen previous to the 14th day of October 1803.

IX. *First.* The following rules shall be observed in the zillah of Cuttack, including the purgunnahs of Puttaspore, Kummardichour, and Bograe, respecting the payment of interest on money. Rules respecting the payment of interest upon money.

Second. If the cause of action shall have arisen before the 14th of October 1803, the courts of civil judicature are not to decree a higher or lower rate of interest than the following, unless a lower rate of interest shall have been stipulated to be paid by the parties in the suit:— Rule when the cause of action shall have arisen before the 14th October 1803.

On sums not exceeding one hundred sicca rupees, two rupees and eight annas per mensem, or thirty per cent per annum.

On sums exceeding one hundred sicca rupees, two per cent per mensem.

Third. If the cause of action shall have arisen on, or subsequently to, the 14th of October 1803, the courts are not to decree interest on any sum whatever above the rate of twelve per cent per annum. No greater interest than 12 per cent per annum to be decreed when the cause of action shall have arisen subsequently to the 14th October 1803.

Fourth. The courts are not to decree any interest whatever, in any case, where the bond or instrument given for the security and evidence of the debt, shall have been granted on, or subsequently to, the 14th day of October 1803, and shall specify a higher rate of interest than is authorized in Clause Third of this Section. No interest shall be decreed in cases wherein the bond, &c. granted subsequent to the above date, shall stipulate a higher interest than 12 per cent per annum.

Fifth. Nor to decree any interest whatever in favor of the plaintiff in any case, where the cause of action shall have arisen on, or subsequently to the 14th of October 1803, where a greater interest than that which is authorized by this Regulation shall have been received or stipulated to be received, if it be proved that any attempt has been made to elude the rules prescribed in it by any deduction from the loan, or by any device or means whatever, nor to give any other judgment but for the dismission of the suit, with costs, to be paid by the plaintiff. Nor in cases wherein any attempt has been made to elude the rules prescribed in the foregoing clauses. Such suits to be dismissed, with the costs, to be paid by the plaintiff.

Sixth. In cases of mortgages of real property, executed prior to the 14th of October 1803, in which the mortgagee may have had the usufruct of the mortgaged property (whether he shall have held it in his own possession or not) the usufruct is to be allowed to the mortgagee, in lieu of interest, agreeably to the former custom Rules in cases of mortgages of real property.

of

of the country, (provided it shall have been so stipulated between the parties,) until the abovementioned date; subsequently to which, the same interest is to be allowed on such mortgage bonds, and also on all bonds for the mortgage of real property, which have been entered into, on, or since that date, or that may be hereafter executed, as is allowed on all bonds, which have been, or may be granted on, or posterior to, such date, and no more; and all such mortgages are to be considered as virtually and in effect cancelled and redeemed whenever the principal sum, with the simple interest due upon it, shall have been realized from the usufruct of the mortgaged property, subsequent to the 14th day of October 1803, or otherwise liquidated by the mortgagor. (e)

Jurisdiction of the Sudder Dewanny Adawlut extended to Cuttack.

X. The jurisdiction of the court of Sudder Dewanny Adawlut is hereby extended to the zillah of Cuttack.

General extension of the Regulations which now are, or may hereafter be, in force in the provinces of Bengal, Behar, and Orissa, to Cuttack.

XI. The Laws and Regulations which now are, or which may be hereafter, established in the provinces of Bengal, and Behar, and in that part of Orissa heretofore subject to the British government, for the guidance of the zillah judges, or the judges of the provincial courts of appeal, and of the Sudder Dewanny Adawlut, for the administration of justice in civil cases, including the Regulations for the manufacture of salt, for the provision of the investment, and generally regarding all cases and matters subject to the cognizance of the courts of civil judicature in the said provinces, which are not already extended to the zillah of Cuttack, and which are not repugnant to, or inconsistent with, any of the provisions above stated, or with any of the provisions contained in Regulations XII, and XIII, 1805, are hereby declared to be in force in that zillah, and in the purgunnahs of Puttaspore, Kummardichour and Bograe; provided, however, that nothing herein contained shall be construed for the present to be applicable to the estates of certain hill or jungle rajahs or zemindars, of whom a list is inserted in Section XXXVI, Regulation XII, 1805; and provided likewise, that in cases in which the Bengal language and character are directed to be used in the province of Bengal; the Oryah language and character shall be used in the zillah of Cuttack, and in the abovementioned purgunnahs.

Exceptions.

(e) See the additional provisions in Regulation XVII, 1806, Sections VII and VIII, for the redemption of mortgages and other conditional sales of land: Also the Circular Orders of the Sudder Dewanny Adawlut, new edition, page 17, No. 12, and page 61, No. 23—Head MISCELLANEOUS RULES OF PRACTICE.

A. D. 1805. REGULATION XV.*

A REGULATION *for the appointment of the Mahomedan and Hindoo law officers of the zillah and city courts, to be Commissioners for the trial of referred causes, to the amount, or value, of one hundred sicca rupees; and to make further provision for the appointment of head native Commissioners in the several zillahs and cities.*—PASSED *by the Vice President in Council, on the 12th of September* 1805; *corresponding with the 29th Bhadoon* 1212 *Bengal era; the 3d Assin* 1213 *Fusly; the 29th Bhadoon* 1212 *Willaity; the 4th Assin* 1862 *Sumbut; and the 17th Jumadee-us-sany* 1220 *Higeree.*

THE provisions made by Section XXVI, Regulation XVI, 1803, and Section IX, Regulation XLIX, 1803, for the appointment of a head native commissioner, in any city or zillah wherein such appointment may appear advisable, not expressly authorizing the appointment of more than one head commissioner, in the same city, or zillah; and it appearing expedient to authorize the appointment of two or more sudder aumeens, or head referees, for the trial of civil suits which may be referred to them by the zillah or city judges, under the limitations prescribed in the sections abovementioned; as well as to appoint the Mahomedan and Hindoo law officers of the zillah and city courts to be sudder aumeens of the zillahs or cities in which they are respectively employed; both as such officers must be well qualified to investigate and determine many descriptions of causes which are instituted in the zillah and city courts, and are declared, in the sections specified, to be referrible to the head native commissioners; and as the salary received from government by the law officers, with their general respectability of character, and superior knowledge, afford the strongest grounds of confidence that the powers of referee, in such causes as the judges may deem proper to be referred to them will be exercised with integrity and impartiality; the honorable the Vice President in Council has therefore enacted the following rules, to be in force on their promulgation, throughout all the provinces under the immediate government of the presidency of Fort William.

Law officers of the zillah and city courts to be sudder aumeens, by virtue of their offices.

II. The Mahomedan and Hindoo law officers of the zillah and city courts of civil judicature shall, by virtue of their offices, be deemed sudder aumeens, or head referees, of the zillah or city, in which they may be respectively employed, for the trial, and decision in the first instance, of any suits which may be referred to them by the zillah and city judges, within the limitations prescribed by Section XXVI, Regulation XVI, 1803, and Section IX, Regulation XLIX, 1803.

* This Regulation, though not expressly rescinded, is still not in force, by virtue of the provisions of Regulation XXIII of 1814. See Section LX, and the following sections, of that Regulation.

III.

What provisions, in existing Regulations, applicable to the law officers, in their capacity of sudder aumeen.

III. The whole of the provisions contained in Section XXVI, Regulation XVI, 1803, and Section IX, Regulation XLIX, 1803, as far as the same can be applied to the law officers of the zillah and city courts in their capacity of sudder aumeen, shall be held equally applicable to them, as to the head referees described in those sections. But, under the provision made by the preceding section of the present Regulation, it will not be necessary to grant sunnuds of appointment to the law officers, in their capacity of sudder aumeen; as directed, with respect to the head native commissioners appointed under Section XXVI, Regulation XVI, 1803, and Section IX, Regulation XLIX, 1803.

What compensation to be allowed them, for causes decided by or adjusted before them.

IV. The law officers of the zillah and city courts, in their capacity of sudder aumeen, as a compensation for their trouble, and for the expense of such establishment as may be necessary for the discharge of their duty in that capacity, shall be entitled to receive the institution fee, paid in all suits decided by them upon investigation of the merits, or depending before them when adjusted by razeenamahs of the parties, in the same manner, and under the same restrictions, as provided with respect to other native commissioners, by Clause Seventh, Section IV, Regulation XLIII, 1803, and by Section XI, Regulation XLIX, 1803.

Sudder Dewanny Adawlut empowered to appoint two or more sudder aumeens, in addition to the law officers; whenever it may appear expedient.

V. Whenever it may appear expedient, on consideration of the number of civil causes depending in a zillah or city court, that more than one head native commissioner should be appointed in such zillah, or city, in addition to the Mahomedan and Hindoo law officers, the court of Sudder Dewanny Adawlut, are empowered to authorize the appointment of two or more sudder aumeens, or head referees, for the trial and decision, in the first instance, of any suits which may be referred to them by the zillah or city judge, within the limitations prescribed by Section XXVI, Regulation XVI, 1803, and Section IX, Regulation XLIX, 1803.

What Regulations applicable to the sudder aumeens so appointed.

VI. The whole of the provisions contained in Section XXVI, Regulation XVI, 1803, and Section IX, Regulation XLIX, 1803, as well as those contained in Clause Seventh, Section IV, Regulation XLIII, 1803, and Section XI, Regulation XLIX, 1803, shall be considered applicable to the head native commissioners, who may be appointed under the preceding sections of this Regulation.

A. D. 1805. REGULATION XVI.[*]

A REGULATION *for extending the jurisdiction of the Court of Circuit for the division of Calcutta, and of the court of Nizamut Adawlut, over the Settlements of Chandernagore and Chinsurah, in certain cases; and for defining the powers and duties of the Superintendant of Chandernagore, and Commissioner of Chinsurah, in his capacity of magistrate for those Settlements.*—PASSED *by the Vice President in Council, on the* 19th *September* 1805; *corresponding with the* 5th *Assin* 1212 *Bengal era; the* 10th *Assin* 1213 *Fusly; the* 5th *Assin* 1213 *Willaity; the* 11th *Assin* 1862 *Sumbut; and the* 24th *Jumadee-us-sany* 1220 *Higeree.*

THE jurisdiction of the criminal courts established at the French settlement of Chandernagore, and Dutch settlement of Chinsurah, before and since those settlements came into the possession of the British government, in the years 1793 and 1795, not extending to crimes of a capital nature; all charges of which description, against natives, were formerly tried by the foujdar at Hooghly; and against Europeans, were referred for decision to Pondicherry or Batavia; and it appearing expedient that charges of murder, robbery, and other crimes of magnitude, committed within the limits of the above settlements, should be tried by the established tribunals of the country, in which charges of the same nature are tried in other parts of the British territory subject to this Presidency, under the Laws and Regulations which have been enacted, or which may be hereafter enacted, for the due administration of criminal justice; the Vice President in Council has accordingly made the following provisions for this purpose, to be in force as soon as promulgated.

Jurisdiction of Calcutta court of circuit, and Nizamut Adawlut, extended to Chandernagore and Chinsurah.

II. The jurisdiction of the court of circuit for the division of Calcutta, and of the court of Nizamut Adawlut established at Calcutta, shall, under the provisions contained in this Regulation, extend over the settlements of Chandernagore and Chinsurah; including all places within the limits of those settlements, as possessed by the French and Dutch governments in the years 1793 and 1795.

By what Regulations the court of circuit and Nizamut Adawlut to be guided.

III. *First.* In all matters cognizable by the court of circuit for the division of Calcutta, and by the court of Nizamut Adawlut, under this Regulation, those courts shall be guided in their proceedings and decisions by the Regulations which have been enacted, or which may be hereafter enacted, in conformity with the rules prescribed in Regulation XLI, 1793, for the administration of criminal justice, in the provinces of Bengal, Behar, and Orissa.

* This Regulation is not in force inconsequence of the Settlements of Chandernagore and Chinsurah having been restored to the French and Dutch.

Second.

Proviso, respecting offences committed before the promulgation of this Regulation.

Second. It is at the same time hereby provided, that no part of the existing Regulations, whereby the punishment of any offence is enhanced beyond the punishment of such offence, prescribed by the Mahomedan law, shall be considered applicable to any crime, committed within the settlement of Chandernagore or Chinsurah, as described in the preceding section, before the promulgation of this Regulation.

What law to govern the sentences of the court of circuit and Nizamut Adawlut in such cases.

Third. In all such cases, viz. whenever the crime charged shall appear to have been committed within the limits described in the preceding section, before the promulgation of this Regulation, the court of circuit and Nizamut Adawlut shall be guided by the Mahomedan law, as declared by the futwahs of their law officers; and by such modifications of it, in favor of the prisoner, as have been made by any Regulation in force; except that the will of the heir of the slain shall not be allowed to operate in cases of murder; but the futwah and sentence in such cases shall be given, without any reference to the heir of the slain, on a supposition that the legal demand for kissas has been made, as provided by Sections III and IV, Regulation IV, 1797.

Fourth. It is further hereby provided, that, if the offender be an European, or the descendant of an European, and be a settled inhabitant of Chandernagore or Chinsurah, and the punishment of the offence under the Mahomedan law, and the provisions of this Regulation would be more severe than the punishment of the same offence under the law in use when the settlement, in which it may be committed, came into the possession of the British government, the punishment to be adjudged against the prisoner shall be regulated by the law which was in use, when the settlement, wherein the offence shall have been committed, came into the possession of the British government.

What complaints may be heard and determined, as heretofore, by the magistrate and deputy magistrate of Chandernagore and Chinsurah, without reference to the court of circuit.

IV. The superintendant and deputy superintendant at Chandernagore, and the commissioner and deputy commissioner at Chinsurah, in their capacity of magistrate and deputy magistrate, for those settlements respectively, are empowered to hear and determine, as heretofore, without reference to the court of circuit, all complaints and prosecutions for offences, not of a heinous nature; such as abusive language, calumny, inconsiderable assaults, or affrays, petty thefts, and larceny, unaccompanied with open violence, or other aggravating circumstance; and to punish the offender when convicted, according to the rules and practice hitherto observed in the courts of criminal judicature at the above settlements; provided that such punishment shall, in no instance, exceed thirty rattans, in the infliction of corporal punishment; or imprisonment for one year, or a fine to government of two hundred sicca rupees, to be regulated, within such limitation, by the degree of the offence, and the situation and circumstances of the offender; and to be in every instance declared commutable to imprisonment, for a definite period, in case the fine should not be paid; or recovered from the property of the offender.

Limitation of punishment in such cases.

V.

V. Persons accused of murder, robbery, burglary, arson, counterfeiting of the coin, or any other heinous offence, the prescribed or established punishment of which may exceed the penalties authorized to be inflicted by the magistrate in the preceding section, if upon the inquiry of the magistrate, or his deputy, there appear to be sufficient grounds for believing the crime charged to have taken place, and the prisoner or prisoners to have been concerned in the perpetration of it, shall be committed to close custody, (or if the offence be of a bailable nature, shall be held to bail,) for trial before the court of circuit at the next jail delivery for the settlement in which the crime may have occurred.

In what cases the persons accused to be committed, or held to bail, for trial before the court of circuit.

VI. The provisions contained in Sections V, VI, and VII, of Regulation IX, 1793, and in the several sections of Regulation IX, 1796, shall be considered the general rules for the guidance of the magistrate, and deputy magistrate, of Chandernagore and Chinsurah, in the cases referred to in the foregoing section. The court of Nizamut Adawlut may, however, authorize any modifications, which, from local circumstances, shall appear necessary; and are further declared competent to furnish the magistrate of the above settlements with any instructions, not contrary to the general Regulations in force, which may appear advisable, for the due execution of any part of his prescribed duties, or those of his deputies, whether relative to criminal justice, or to police.

Sections V, VI, VII, Regulation IX, 1793, and the whole of Regulation IX, 1796, to be observed in the cases referred to in the preceding section.

Any necessary modifications may be authorized by the Nizamut Adawlut.

And that court declared competent to furnish the magistrate with such instructions as may appear advisable, not contrary to the general Regulations.

VII. Two general jail deliveries for the settlements of Chandernagore and Chinsurah, shall be holden annually by one of the judges of the court of circuit for the division of Calcutta, immediately after the half yearly jail delivery for zillah Hooghly, and at such place as the court of Nizamut Adawlut may direct, for the trial of all persons charged with crimes and misdemeanors, and committed or held to bail, to be tried by the court of circuit, under the provisions contained in this Regulation.

Half yearly jail deliveries, for Chandernagore and Chinsurah, when and where to be held.

VIII. The magistrate of Chandernagore and Chinsurah, upon receiving information from the judge of the court of circuit, of the time by which he expects to arrive at the place appointed for holding the jail delivery, shall cause public notice of it to be given by a written publication, requiring all persons discharged upon bail, and all prosecutors, and witnesses who shall have been bound over to appear, to attend by the date fixed for the arrival of the court of circuit, under penalty of forfeiting their recognizances, in the event of their not attending. The magistrate shall, at the same time, ascertain whether the persons committed, or held to bail, are desirous of having any additional witnesses, besides those before-named by them, examined in their defence, and shall issue the customary process to cause all such witnesses to attend, at the time fixed for the trial of the persons in whose behalf they may be summoned.

Notification to be published by the magistrate, on his being informed of the expected arrival of the judge of the court of circuit.

Witnesses for the persons to be tried by the court of circuit to be, at the same time, ascertained and summoned.

IX. The magistrate of Chandernagore and Chinsurah shall deliver to the judge of circuit, on his arrival at the station where the trials are to be held, a calendar of

Calendar of persons for trial before the court of circuit, to be delivered to the judge of that court.

of persons committed, or held to bail, in the English and Persian languages, according to the form prescribed in Section XIII, Regulation IX, 1793. The calendar shall also be accompanied with the original proceedings of the magistrate, or deputy magistrate, on each charge; and with the several documents and papers specified in Section XIV, Regulation IX, 1793; or such of them as may be applicable to the nature and circumstances of the case, and may be in the magistrate's possession.

Original proceedings and papers to accompany it.

Sections XV, XVI and XVII, Regulation IX, 1793, extended to Chandernagore and Chinsurah.

What cases to be comprised in the two calendars required by the latter section.

X. The provisions in Sections XV, XVI, and XVII, Regulation IX, 1793, are hereby extended to the settlements of Chandernagore and Chinsurah. The two calendars required by the latter section, to be laid before the judge of circuit at each half yearly jail delivery, are to comprise the names of all persons apprehended on the charge of any crime or misdemeanor; and discharged for want of evidence, or punished by sentence of the magistrate, or deputy magistrate, under the limitations prescribed in Section IV, of this Regulation. These calendars are to be accompanied with the original papers and proceedings in each case; and if the court of circuit shall be of opinion, that any of the persons therein mentioned have been discharged, or punished, upon insufficient grounds, they are to transmit the proceedings held upon the case, with their opinion, to the court of Nizamut Adawlut; who are empowered to pass such order thereupon as may appear just and proper. In the execution of this rule, the officiating judge of the court of circuit is expected to examine with attention the proceedings in any case wherein a petition of complaint may be preferred to him, at the jail delivery next ensuing after the magistrate's decision upon the case; and to make the report directed to the court of Nizamut Adawlut, if the circumstances of the case shall appear to require it; or, if otherwise, to inform the party complaining, by a written order upon his petition.

What papers and proceedings to accompany such calendars.

And court of circuit how to proceed thereupon.

Further sections of Regulation IX, 1793, extended to Chandernagore and Chinsurah, with modification.

XI. Sections XX, XXI, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, and XXX, of Regulation IX, 1793, are likewise declared to extend to the settlements of Chandernagore and Chinsurah, (subject to any necessary modifications as provided for by Section VI,) except that instead of the reports prescribed by the above Regulation, the magistrate shall transmit to the register of the Nizamut Adawlut, such monthly or half yearly reports, as may be required by that court; who will furnish the magistrate with forms of the reports to be sent by him.

To what persons the provisions in this Regulation are applicable.

XII. The rules and provisions contained in the present Regulation, are declared applicable to all persons not being European British subjects, charged with crimes or misdemeanors committed within the limits of the settlements of Chandernagore and Chinsurah, as described in Section II. European British subjects (viz. natives of the British dominions in Europe, or their descendants) being amenable, for all criminal offences, to the Supreme Court of Judicature at Calcutta, in the event of any such, residing in Chandernagore or Chinsurah, being

European British subjects, charged with crimes or misdemeanors cognizable by the Supreme Court, how to be proceeded against.

charged

charged before the magistrate, or deputy magistrate, of either of those settlements, with a crime or misdemeanor, cognizable by the Supreme Court, he is to proceed in the manner directed by Regulation II, 1796; the several provisions in which are hereby declared to extend to the settlements abovementioned.

Regulation II, 1796, extended to Chandernagore and Chinsurah.

XIII. If any person, not being an European British subject, and residing within the limits of Chandernagore or Chinsurah, as described in Section II, shall be charged with a crime or misdemeanor, committed without such limits, the magistrate or deputy magistrate of Chandernagore and Chinsurah shall apprehend the person accused, if found within the limits of either of those settlements; and shall deliver him over for trial, under the general Regulations, to the magistrate of the jurisdiction in which the offence charged may have been committed.

Magistrate of Chandernagore and Chinsurah how to proceed respecting persons residing in those settlements, (not European British subjects) who may be charged with a crime or misdemeanor committed in another jurisdiction.

A. D. 1805. REGULATION XVII.

A REGULATION *for modifying the rules contained in Regulation* VIII, 1793, *respecting the management of joint undivided estates.*—PASSED *by the Vice President in Council, on the 24th October* 1805; *corresponding with the 9th Kautick* 1212 *Bengal era; the 16th Kautick* 1213 *Fusly; the 9th Kautick* 1213 *Willaity; the 2d Kautick* 1862 *Sumbut; and the 30th Rajab* 1220 *Higerec.*

WHEREAS inconvenience has been experienced in providing for the management of joint undivided estates, under the rules contained in Sections XXIII, XXIV and XXV, Regulation VIII, 1793, in consequence of the reluctance manifested generally by the proprietors to elect a manager as prescribed in those rules: and whereas it appears to be most conducive to the convenience of government, and most conformable to the wishes and sentiments of the proprietors themselves, that they should be left to manage their estates without any local interference on the part of the officers of government: and whereas any of the joint proprietors of such estates may at any time obtain a division and separation of their respective shares of the lands, whenever they may deem it conducive to their interests, to have recourse to that measure; the Vice President in Council has accordingly passed the following rules, to be in force from the time of their promulgation in the provinces of Bengal, Behar, and Orissa, including Cuttack.

Sections XXIII, XXIV and XXV, Regulation VIII, 1793, rescinded; and proprietors of joint undivided estates left to manage them as they may think advisable under the general Regulations.

II. Sections XXIII, XXIV and XXV, Regulation VIII, 1793, are hereby rescinded; and the proprietors of joint undivided estates shall in future be left to manage their estates in such manner as they may think most advisable, under the general Regulations, without any interference on the part of the collector or the Board of Revenue, (*f*) in the appointment of a manager for the collection of the revenues of the lands from the tenants, farmers, and others.

Estates of such proprietors liable to be sold for arrears as at present, and the proprietors jointly and severally responsible for the revenue.

III. The estates of joint proprietors will of course be liable to be sold, as at present, for the recovery of any arrears which may at any time become due therefrom to government, and the proprietors themselves shall be considered jointly and severally responsible for the payment of the public revenue assessed upon such estates, should it at any time be necessary to have recourse to a sale of the separate property of any individual sharers, or to the confinement of their persons for the recovery of the arrears due from their estates to government.

(*f*) Or the Commissioner in Behar and Benares appointed by Regulation I, 1816, for the province of Benares and that part of the province of Behar which is comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot.

Payments of revenue shall be carried to the account of the estate at large, and not to the account of any individual proprietor.

IV. The payments of revenue shall be carried to the account of the estate at large, and not to the account of any individual proprietor.

The guardians of proprietors of joint undivided estates who may be disqualified for the management of their own concerns, shall exercise the same powers as could be exercised by the proprietors, if qualified.

V. In cases in which one or more of the proprietors of a joint undivided estate may be minors, or may be otherwise disqualified for the management of their own concerns in consequence of natural defects or infirmities; the guardians of such persons, whether nominated by the will of their parents, or by the zillah judges under Regulation I, 1800, (g) shall superintend the interests of such disqualified persons, and shall exercise the same powers in the management of the estate of their wards as could be exercised by the proprietors themselves, were they qualified for the direction of their own affairs.

(g) Or under Regulation V, 1812, Section XXVI, by which the zillah and city courts are competent to appoint managers of joint undivided estates, on sufficient cause being shewn.

A. D. 1805. REGULATION XVIII.

A REGULATION *for the appointment of a Magistrate of the Jungle Mehals, in zillahs Beerbhoom, Burdwan, and Midnapore; and for declaring and extending the rules prescribed for zemindars and managers of zemindarries, entrusted with the police in those mehals.*—PASSED *by the Honorable the Vice President in Council, on the* 13*th December* 1805; *corresponding with the* 29*th Aughun* 1212 *Bengal era; the* 7*th Poose* 1213 *Fusly; the* 29*th Aughun* 1213 *Willaity; the* 8*th Poose* 1862 *Sumbut; and the* 21*st Ramzaan* 1220 *Higeree.*

WHEREAS it has been judged expedient for the support of the police in certain districts, commonly called Jungle Mehals, situated within the limits of zillahs Beerbhoom, Burdwan, and Midnapore, that they should be placed under the authority and control of a separate magistrate, residing at a convenient station for the immediate superintendence of those districts: and whereas the zemindars, or managers of zemindarries, in those mehals, have, in many instances, with the sanction of the Governor General in Council, been entrusted with a local charge of the police, either jointly with the police darogahs appointed under Regulation XXII, 1793; or instead of such police officers, under rules and provisions which were adopted experimentally in the first instance, but which, from their successful operation, it is now deemed proper to enact and publish, as well as to provide for the extension of them, in other districts, as far as may be found advisable: the following rules are accordingly enacted, to be in force from the date of their promulgation.

II. The districts called Jungle Mehals situated in the zillahs of Beerbhoom, Burdwan, and Midnapore, shall be separated from the jurisdiction of the magistrates of those zillahs, and placed under the jurisdiction of a distinct officer, to be denominated "Magistrate of the Jungle Mehals."

Jurisdiction of the magistrate of the Jungle Mehals.

III. *First.* The jurisdiction of the magistrate of the Jungle Mehals shall extend throughout the undermentioned places.

The following pergunnahs and mehals in the zillah of Beerbhoom:

Pachete,
Baugmoondy,
Bogun Kaoden,
Tureef Balleapore,
Cutlass,
Hurlah,
Jelda,

Jerreah,

Jerreah,

Jeypore,

Mukundpore,

Kismut Nawagur,

Kismut Chutty,

Toarrung,

Toony and Nugerkearee,

and

Patcoom.

The following pergunnahs and mehals in the zillah of Burdwan:

Sainpaharee,

Shergur, and

Bishenpore; excepting the police jurisdiction of Cotalpoor, and the contiguous pergunnah of Bulsye, which are to remain under the jurisdiction of the magistrate of Burdwan.

The following pergunnahs and mehals in the zillah of Midnapore:

Chatna,

Burrabhoom,

Manbhoom,

Soopoor,

Aminagar,

Simlapol, and

Bhellyedeeah.

Second. The local jurisdiction, assigned to the magistrate of the Jungle Mehals, is declared to be subject to such alterations, as the Governor General in Council may at any time judge expedient. And whenever it may appear advisable to discontinue the office of magistrate of the Jungle Mehals, the Governor General in Council reserves to himself the power of abolishing that office by an order of government, and re-annexing the districts comprised in its jurisdiction to the several adjacent zillahs.

Magistrate shall take the oath prescribed by Section II, Regulation IX, 1793, and shall then exercise his authority under the general Regulations and the special rules contained in this Regulation.

IV. The magistrate of the Jungle Mehals, previously to entering upon the execution of the duties of his office, shall take and subscribe before the Governor General in Council, or any person whom he may commission to administer it, the oath prescribed by Section II, Regulation IX, 1793. He shall then possess and exercise within the limits of his jurisdiction the authority which is vested by the Regulations and general orders of government in other magistrates of zillahs and cities; and shall be guided by the same rules, in the discharge of the functions of his office, subject to the special provisions contained in this Regulation, and any which may be hereafter enacted, regarding the Mehals placed under his superintendence.

V. So much of Section II, Regulation XXII, 1793, as prohibits landholders from entertaining establishments of police officers for the preservation of the peace, not being applicable to many of the Jungle Mehals, in which it has been found expedient to entrust the charge of the police to the zemindars, or the managers of zemindarries; it is hereby declared not to extend to any district, included in the jurisdiction of the magistrate of the Jungle Mehals, the police of which, subject to the control of the magistrate, has been, or may be, committed to the zemindar or to the manager of a zemindarry, either with, or without the co-operation of police darogahs, appointed under the provisions of Regulation XXII, 1793. It is further hereby declared, that the prohibition contained in Section II, Regulation XXII, 1793, shall not be deemed applicable to any landholder, or to any farmer or manager of land, whom the Governor General in Council may authorize to entertain an establishment of police officers, whether in Jungle Mehals, or in any other Mehal or district whatever.

What parts of Section II, Regulation XXII, 1793, declared not to extend to any district included within the jurisdiction of the magistrate of the Jungle Mehals.

VI. The rules specified in the following section, have been prescribed for zemindars, and the managers of zemindarries, entrusted with the charge of the police in the Jungle Mehals described in this Regulation. And the Governor General in Council reserves to himself the power of extending them, in whole or in part, to any other Mehals, the police of which may be entrusted to a zemindar or other landholder, or to a farmer or manager of land. (*h*)

Rules prescribed for zemindars and managers of zemindarries, entrusted with the charge of the police.

VII. *First.* Zemindars, entrusted with the police, shall receive sunnuds from the magistrate, under the authority of the Governor General in Council, vesting them with the charge of the police in their respective zemindarries. (*i*)

Zemindars entrusted with charge of the police, shall receive sunnuds.

Second. They shall not be deprived of their sunnuds except for misconduct proved to the satisfaction of the Governor General in Council: whenever the magistrate shall be of opinion that there is ground for removing a zemindar from the charge of the police, he shall report the same, through the court of Nizamut Adawlut, for the final determination of government, in the mode prescribed with respect to police darogahs, by Section X, Regulation V, 1804.

They shall not be deprived of their sunnuds but for misconduct, and in the mode prescribed by Section X, Regulation V, 1804.

Third. They shall be required to maintain such establishments of pykes, or other watchmen, for the maintenance of the police, within their respective zemindarries, as may be fixed by the magistrate, with the approbation of the Governor General in Council.

(*h*) See the Circular Orders of the Nizamut Adawlut, new Edition, relative to the duties of officers of police, including inquests and other local inquiries, under the Head—POLICE, Page 45.

(*i*) By Regulation XVII, 1816, Section VII, the magistrates are empowered to appoint, remove or suspend, their police officers, without the previous sanction of any superior authority. Is this power vested in the magistrate of the Jungle Mehauls in opposition to the provisions contained in this and the next Clause? Sections XI and XII, of the same Regulation, allow the superintendants of police to fine and suspend police officers.

Fourth.

A list of such persons and statement of their allowances to be furnished to the magistrate.

Fourth. A list of the persons so employed, with a statement of the allowance in land, or money, received by them respectively, shall be furnished by each zemindar, and shall be deposited in the office of the magistrate. On the death or removal of any of the persons specified in such lists, the zemindar shall fill up the vacancies, but shall immediately report the same to the magistrate.

All persons employed as police officers under the zemindar, shall be subject to the orders of the magistrate, and punishable under the general Regulations.

Fifth. The pykes and other watchmen, and all persons employed under the zemindar as police officers, shall be subject to the orders of the magistrate, and be punishable for neglect of duty or other misconduct, either by fine or imprisonment, or by removal from office, or otherwise, according to the nature of the offence, under the general Regulations in force. (*j*)

Where darogahs are appointed, the zemindars shall aid and assist them in preserving the peace.

Sixth. In zemindarries, where police darogahs may have been, or may be appointed, under Regulation XXII, 1793, all village watchmen, of whatever description, shall also be subject to the orders of the police darogah, as declared in Section XIII of that Regulation; and zemindar shall, in all cases, aid and support the darogah, in preserving the peace, preventing the commission of crimes, and apprehending offenders.

Zemindars to be furnished with copies of Regulation XXII, 1793, and such others as relate to the conduct of police darogahs.

Seventh. The zemindars shall be furnished with copies of Regulation XXII, 1793, and any other Regulations that may be enacted for the conduct of the police darogahs; and are required to observe the rules contained in them, as far as may be practicable, in the discharge of their duties as chief police officers.

Where persons apprehended are to be sent by the zemindars, and within what time.

Eighth. The zemindars shall send to the nearest police darogah, or to the magistrate, or to the nearest military detachment under the command of an officer acting in support of the police, (whichever may be most convenient,) all persons charged with murder, robbery, or other heinous crime, within twenty-four hours after the party may have been apprehended. (*k*)

Zemindars shall take security for the appearance of prosecutors and witnesses.

Ninth. The zemindars shall be careful to take security from prosecutors and witnesses to appear before the magistrate on a certain day, as required by Section IX, Regulation XXII, 1793. (*l*)

In petty complaints the zemindars may take razeenamahs, as prescribed by Section XII, Regulation XXII, 1793, within twenty-four hours.

Tenth. (m) In complaints for petty assaults, or abusive language, the zemindars may take razeenamahs, as the darogahs are empowered to do, by Section XII, Regulation XXII, 1793; provided the parties shall deliver such razeenamahs within twenty-four hours after the accused may have appeared at the zemindar's cutcherry.

(*j*) Or by corporal punishment, at the discretion of the magistrate. See Regulation III, 1812, Section VI.

(*k*) See the additional rules, regarding the duties of police officers, in Regulation IX, 1807, Sections XII, XIII and XIV.

(*l*) Recognizances, or Mochulkas, are to be taken instead of security. See Regulation IX, 1807, Section XV. The forms of the different descriptions of recognizances will be found in that Regulation.

(*m*) Rescinded by Regulation VII, 1811, Section II.

Eleventh.

Eleventh. The zemindars are authorized and required to apprehend all choars, and other plunderers of whatever description, within the limits of their own zemindarries, while committing a breach of the peace, or passing through their zemindarries after the commission of such an offence. They may also apprehend, without a written charge, all persons found within their zemindarries, in the act of committing any heinous crime; or with stolen goods in their possession; or against whom a general hue and cry shall have been raised; and also any notorious robbers, or thieves, or vagrants of suspicious character, as described in Section X, Regulation XXII, 1793.

Description of persons whom the zemindars are authorized and required to apprehend.

Twelfth. No zemindar shall summon the ryots of another zemindar.

No zemindar shall summon the ryots of another zemindar.

Thirteenth. The digwars, pykes, or other police officers of one zemindar are not subject to the orders of another. But all being employed in the public service, for the general protection of the country, and the security of the lives and property of its inhabitants; it is expected that whenever there may be occasion for their co-operation, and especially when they may be called upon by the magistrate, or by any public officer, acting on the part of the magistrate, they will jointly use their utmost endeavours to pursue and apprehend choars, as well as all other plunderers and disturbers of the peace.

Digwars, or other police officers of one zemindar not subject to the orders of another, but they are expected to co-operate whenever called upon.

Fourteenth. No zemindar shall send his pykes, or other police officers, within the limits of other zemindars, without receiving an express application from the latter for the purpose; or without a special order from the magistrate, or from a public officer, duly authorized, acting for the magistrate. But whenever choars, or other plunderers, shall attempt to assemble in any zemindarry, or to pass through it, for the purpose of plundering another zemindarry, or to return through it after committing depredations, the zemindar and his police officers shall use their utmost endeavours to apprehend the offenders while in his zemindarry; should their number or force be such as to require assistance for their apprehension, the zemindar shall send immediate information to the commanding officer of any military detachment stationed in the vicinity, or to the nearest police station; and also to the magistrate's cutcherry.

No zemindar shall send his police officers into the limits of other zemindars, without an express application or orders from the magistrate.

Rules in cases of plunderers assembling in one zemindarry, or passing through it to plunder another.

Fifteenth. Any zemindar who may be convicted of having connived at the assemblage or passage of choars or other plunderers within the limits of his zemindarry, and of not attempting to apprehend them, or giving the information required in the preceding article; or who may, in any instance, be convicted of wilful neglect in affording the assistance incumbent upon him to apprehend plunderers and prevent depredation, will be liable to punishment by fine, or imprisonment; or in a heinous case, by forfeiture of his lands, according to the circumstances of the case, and under the provisions of the general Regulations in force. The principal or other subordinate officers of zemindars, who may be convicted of any of the offences specified, will also be liable to the same penalties.

Zemindars and their principal or subordinate officers liable to punishment for connivance or wilful neglect.

How the magistrate shall proceed in such cases.

Sixteenth. When the magistrate shall be of opinion, that an offence of the nature described in the preceding clause is established, he shall record his judgment to that effect, with the punishment he may consider adequate to the case, but previously to carrying the same into execution, shall transmit his proceedings to the court of Nizamut Adawlut, for the sentence of that court; and in cases of forfeiture, for the ultimate determination of the Governor General in Council, as provided in Clause Third, Section III, Regulation II, 1797.

Zemindars liable to a prosecution in the usual manner for being concerned in robberies, &c. and in addition to the legal punishment, their lands shall be declared forfeited and sold to make good the value of the plundered property.

Seventeenth. Any zemindars entrusted with the charge of the police, who shall appear to the magistrate, to have been directly or indirectly concerned, in the commission of robbery, either in, or out of, the limits of his own zemindarry, or to have aided or abetted robbers; or to have received any plundered property from them, will be liable, in common with all other landholders, in such cases, under Section III, Regulation XXII, 1793, to be prosecuted for the crime, before the court of circuit; and on conviction, in addition to the legal punishment, their lands are declared liable to confiscation, or to be sold for the purpose of making good the value of the property plundered, at the discretion of the Governor General in Council.

Zemindars shall enter into a written engagement to be responsible for the amount of property stolen through want of care or vigilance in themselves or their officers, and shall be liable to be sued in case of refusal to make it good.

Eighteenth. The zemindars shall engage to be responsible for the amount of all property robbed, or stolen, within their respective estates; unless it shall clearly and satisfactorily appear that the robbery or theft, in which such property may have been taken, was not, in any respect, owing to their want of care to prevent it, or to a want of vigilance on the part of their police officers. Every zemindar entrusted with the charge of the police, shall, previously to receiving his sunnud, execute an engagement to the above effect; and on his refusal to make good the amount of any loss sustained by robbery or theft, committed within his zemindarry, may be sued by the party injured, in the civil court of the zillah, wherein the loss shall have been sustained, for recovery of the amount: subject to the general rules in force, for the trial, and decision of civil causes.

What reports they are to make to the magistrate.

Nineteenth. The zemindars shall transmit regular information to the magistrate of all occurrences relating to the police of their zemindarries; and shall also send the monthly reports directed in Section XXI, Regulation XXII, 1793; according to a form to be furnished to them by the magistrate for that purpose.

What language is to be used in all communications between the magistrates and zemindars.

Twentieth. All reports, letters, and written information shall be transmitted by the zemindars to the magistrate, and all orders and communications shall be issued by the magistrate to the zemindars, in the language and character, commonly used in their respective zemindarries.

The serberakars or managers of estates of disqualified landholders, declared eligible for the charge of the police, with

Twenty-first. In estates, the proprietors of which may be disqualified from age, sex, or other cause, the serberakar, or manager, is declared eligible for the charge of the police, with the sanction of the Governor General in Council; (n) and, if ap-

(n) See the Note to Clause I, of this Section.

pointed

pointed to this trust, shall receive a sunnud, execute engagements, and perform all the duties above prescribed for a zemindar entrusted with the police; under the stated provision and responsibility; or with such qualification of the latter, as the Governor General in Council may in any instance, specially authorize and direct.

the sanction of government.

VIII. The half yearly jail deliveries for the Jungle Mehals shall be holden by one of the judges of the court of circuit for the division of Calcutta, at such period, and at such place, as may be directed by the court of Nizamut Adawlut.

Half yearly jail deliveries by whom, when, and where to be holden.

IX. The several districts, comprised in the jurisdiction of the magistrate of the Jungle Mehals, shall continue subject, as heretofore, in all matters of civil cognizance to the courts of dewanny adawlut for the respective zillahs to which they are now attached; subject to any alterations of jurisdiction which the Governor General in Council may at any time, deem expedient. (o)

The districts comprized in the jurisdiction of the magistrate of the Jungle Mehals, shall continue subject to the dewanny adawluts in all civil matters.

X. It shall however be competent to the Governor General in Council, by an order of government, in the event of such a measure being hereafter deemed advisable, to constitute the mehals, specified in Section III, of this Regulation, a distinct zillah, of civil, as well as criminal jurisdiction; and to vest the officer, holding the situation of magistrate of the Jungle Mehals, with the office of judge of the dewanny adawlut of such zillah with the same powers as are exercised, under the Laws and Regulations which have been or may be enacted for the provinces of Bengal, Behar and Orissa, by the judges of the courts of dewanny adawlut in the other zillahs, within those provinces.

It shall be competent to the Governor General in Council to invest the magistrate of the Jungle Mehals with civil jurisdiction also should it be deemed advisable.

(o) The districts comprised in the jurisdiction of the magistrate of the Jungle Mehals, have been constituted a distinct zillah of civil jurisdiction.

A. D. 1805. REGULATION XIX.

A REGULATION *for defining the form of address, and channel of application, to be observed by public officers in the judicial, revenue, and commercial departments, who may have occasion, in the discharge of their official duties, to make applications to His Highness the Nawaub Nausser-ul-Moolk, Nazim of Bengal.*—Passed *by the Honorable the Vice President in Council, on the 19th of December 1805; corresponding with the 6th Poose 1212 Bengal era; the 13th Poose 1213 Fusly; the 6th Poose [illegible]13 Willaity; the 14th Poose 1862 Sumbut; and the 27th Ramzaan 1220 Higeree.*

WHEREAS it is provided by Section X, Regulation XVI, 1793, that complaints of a certain description shall be referred to His Highness the Nazim of Bengal: and whereas it has been deemed necessary, with a view to the support of the high rank, dignity, and established rights of the Nawaub, that a particular form of address and a regular channel of communication should be established for the guidance of the zillah and city magistrates, and of any other officers of the British government in referring complaints of the description of those above noticed, to His Highness the Nazim of Bengal, or in making any other applications to His Highness; the following rules have been enacted by the Vice-President in Council, to be in force from the time of the publication of this Regulation.

II. All references, which the officers in the judicial department may have occasion to make to the Nawaub of Bengal under the provisions contained in Section X, Regulation XVI, 1793; and generally, all other applications, which those officers may deem it necessary to make to the Nawaub, shall be transmitted to His Highness through the channel of the officer holding the appointment of superintendant of Nizamut affairs.

All references or applications to the Nawaub to be made by the judicial officers through the superintendant of Nizamut affairs.

III. All applications which the collectors of the land revenue in the different zillahs or the collectors of government customs, or any other public officer may find it necessary to make to the Nawaub, on matters connected with their respective public duties, shall in like manner be transmitted to His Highness, through the channel of the superintendant of Nizamut affairs.

All applications from other officers to be made through the same channel.

IV. Applications or references of the nature above described, may be transmitted by the public officers of government in the form of a letter in the Persian language addressed to His Highness the Nawaub, under the signature of the person by whom such applications may be made, and forwarded under an unsealed envelope to the superintendant of Nizamut affairs; or the substance of the reference or application may

Mode in which such references or applications are to be forwarded.

may be stated in an English letter addressed to the superintendant of nizamut affairs, who will without loss of time make the necessary communication to the Nawaub, and forward his answer to the officer of government, from whom the application may have been received. (p)

The established form to be observed in applications, in writing to the Nawaub.

V. Whenever an application may be made in writing, addressed to His Highness the Nawaub, the established address suitable to the high rank of the Nawaub, and to the official situation of the person by whom the application may be made, shall be observed; agreeably to the form contained in the Persian transcript of this Regulation.

Similar form to be observed in addressing the other branches of the Nawaub's family.

VI. All applications to Her Highness the Munnee Bhegum, to the Bubboo Bhegum, or to the Waledeh Bhegum, or to the brothers of His Highness the Nawaub, sons of the late Nawaub Mobarek-ul-Dowlah, or to his brothers by marriage with the daughters of his father, shall be addressed according to the form above prescribed to His Highness the Nawaub and forwarded through the superintendant of nizamut affairs. (q)

Superintendant of Nizamut affairs to report to government on applications which he may deem liable to objection.

VII. Should it on any occasion appear to the superintendant of Nizamut affairs that the reference or application, which he may be desired to make to the Nawaub, is liable to objections, either from its tenor or from defect of form, the superintendant may in such case delay the communication of it to the Nawaub and report the circumstances to the Governor General in Council, who will pass such orders on the subject as the case may appear to require.

(p) Explained by Regulation XVI, 1806, Section V.

(q) Modified by, and see additional rules in, Regulation XVI, 1806.